

**Reprint
as at 1 October 2008**

**Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991
(SR 1991/57)**

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 Fisheries .

PURSUANT to section 89 of the Fisheries Act 1983, Her 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 and commencement

- (1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2 Application

- These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit,

licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.

Regulation 2 was substituted, as from 15 July 1999, by regulation 2 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/183).

3 Interpretation

- In these regulations, unless the context otherwise requires,—
Act means the Fisheries Act 1983 or the Fisheries Act 1996

Act: this definition was inserted, as from 15 July 1999, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/183).

Barracouta means a fish of the species *Thyrsites atun*

Barracouta: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Blue cod means a fish of the species *Parapercis colias*

Blue cod: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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, as from 1 October 1994, by regulation 2 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

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

Blue moki: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Bluenose means a fish of the species *Hyperoglyphe antarctica*

Bluenose: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Blue shark means a fish of the species *Prionace glauca*

Blue shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Bronze shark means a fish of the species *Carcharhinus brachyurus*

Bronze shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Butterfish means a fish of the species *Odax pullus* or *Odax cyanoallix*

Butterfish: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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 device

Dredge: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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

dropline or dahn line: this definition was inserted, as from 30 June 2005, by regulation 3(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Elephant fish means a fish of the species *Callorhynchus milii*

Elephant fish: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Flatfish means a fish of the species—

- (a) Sand flounder (“dab”, “white”, or “square” flounder) (*Rhombosolea plebia*); or
- (b) Lemon sole (*Pelotretis flavilatus*); or
- (c) New Zealand sole (*Peltorhampus novaezeelandiae*); or
- (d) Flounder (yellow belly) (*Rhombosolea leporina*); or
- (e) Black flounder (*Rhombosolea retiaria*); or
- (f) Greenback flounder (*Rhombosolea tapirina*); or
- (g) Brill (*Colistium guntheri*); or
- (h) Turbot (*Colistium nudipinnis*):

Flatfish: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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

Grey mullet: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Groper

[Revoked]

Groper: this definition was revoked by regulation 2(1) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Hammerhead shark means a fish of the species *Sphyrna zygaena*

Hammerhead shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Hapuku bass means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*

Hapuku bass: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Kahawai means a fish of the species *Arripis trutta*

Kahawai: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Kingfish means a fish of the species *Seriola lalandi* (formerly known as *Seriola grandis*)

Kingfish: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Lamprey means a fish of the species *Geotria australis*

Lamprey: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Ling means a fish of the species *Genypterus blacodes*

Ling: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Longline means any line to which more than 7 hooks (whether baited or not) are attached

Longline: this definition was inserted, as from 1 October 1994, by regulation 2 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

Mako shark means a fish of the species *Isurus oxyrinchus*

Mako shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Marblefish means a fish of the species *Aplodactylus etheridgi* or *Aplodactylus arctidens*

Marblefish: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Marlin means a fish of the species *Tetrapturus audax*, *Makaira nigricans*, or *Makaira indica*

Marlin: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

paua means a shellfish of the following species

- (a) ordinary paua (*Haliotis iris*):
- (b) yellow foot paua (*Haliotis australis*):
- (c) virgin paua (*Haliotis virginea*)

paua: this definition was inserted, as from 30 June 2005, by regulation 3(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Porbeagle shark means a fish of the species *Lamna nasus*

Porbeagle shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Red cod means a fish of the species *Pseudophycis bacchus*

Red cod: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Red coral means a coelenterate of the order stylasterina

Red gurnard means a fish of the species *Chelidonichthys kumu*

Red gurnard: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Red moki means a fish of the species *Cheilodactylus spectabilis*

Red moki: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Rig means a fish of the species *Mustelus lenticulatus*

Rig: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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

rock lobster: this definition was inserted, as from 30 June 2005, by regulation 3(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

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

rock lobster pot: this definition was inserted, as from 1 October 1994, by regulation 2 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

rock lobster pot: this definition was substituted, as from 30 June 2005, by regulation 3(1) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Scallop means the mollusc *Pecten novaezelandiae*

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

School shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

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

sea perch or Jock Stewart: this definition was inserted, as from 30 June 2005, by regulation 3(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Set net includes a gill net or any other sort of net that acts by enmeshing, entrapping, or entangling any fish

Set net: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Seven gilled shark means a fish of the species *Notorhynchus cepedianus* or *Heptanchias perlo*

Seven gilled shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Skate ray means a fish of the Order *Rajiformes*

Skate ray: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Snapper means a fish of the species *Chrysophrys auratus*

Snapper: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Southland and Sub-Antarctic Fishery Management Areas means the areas comprising the Southland Fishery Management Area and the Sub-Antarctic Fishery Management Area

Southland Fishery Management Area means the fishery management area described as the Southland Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412

Spiky dog means a fish of the species *Squalus acanthias*

Spiky dog: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Stargazer means a fish of the species *Kathetostoma giganteum*

Stargazer: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Sub-Antarctic Fishery Management Area means the fishery management area described as the Sub-Antarctic Fishery Management Area in the Schedule to the notice declaring fishery

management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412

Tarakihi means a fish of the species *Nemadactylus macropterus*

Tarakihi: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Thresher shark means a fish of the species *Alopias vulpinus*

Thresher shark: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Trevally means a fish of the species *Caranx georgianus*

Trevally: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Trumpeter means a fish of the species *Latris lineata*

Trumpeter: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Warehou means a fish of the species *Seriolella punctata* or *Seriolella brama*

Warehou: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

White pointer means a fish of the species *Carcharodon carcharias*

White pointer: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

White pointer: this definition was revoked, as from 1 April 2007, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/47).

Wrasse means a fish of the family *Labridae*.

Wrasse: this definition was inserted, as from 30 September 1993, by regulation 2(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

3A Areas closed for taking of blue cod for 4-year period

- (1) This regulation applies to the following internal waters of Fiordland:
 - (a) those waters of Milford Sound lying to the east of a line drawn from 44°35.99'S and 167°49.12'E to Dale Point (at 44°36.33'S and 167°48.71'E); and
 - (b) those waters of Doubtful Sound lying—
 - (i) to the east of a line drawn from 45°17.15'S and 166°53.01'E to Jamieson Head on Bauza Island (at 45°17.56'S and 166°52.68'E); and
 - (ii) to the east of a line drawn from Bauza Island (at 45°16.81'S and 166°54.61'E) to Secretary Island (at 45°16.59'S and 166°55.21'E); and
 - (iii) to the south of a line (being the boundary between Doubtful Sound and Thompson and Bradshaw Sounds) drawn from Common Head on Secretary Island (at 45°17.87'S and 167°00.18'E) to Pack Point (at 45°18.21'S and 167°01.02'E).
- (2) During the period referred to in subclause (3), no person may—
 - (a) take any blue cod from within an area described in subclause (1); or
 - (b) possess any blue cod taken from any of those areas.
- (3) The period referred to in subclause (2)—
 - (a) begins on 30 June 2005; and
 - (b) expires with the close of 29 June 2009.
- (4) A person contravenes this subclause if, during the period specified in subclause (3), the person—
 - (a) takes any blue cod in an area described in subclause (1); or
 - (b) possesses any blue cod taken from an area described in subclause (1).

Regulation 3A was inserted, as from 30 June 2005, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

The heading to regulation 3A was amended, as from 28 June 2007, by regulation 4(1) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2007 (SR 2007/129) by substituting “4-year” for “2-year”.

Subclause (3)(b) was amended, as from 28 June 2007, by regulation 4(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2007 (SR 2007/129) by substituting “2009” for “2007”.

4 Maximum daily number of fish

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

Species	Maximum Daily Number
Barracouta.....	—
Blue cod.....	—
Blue moki.....	15
Bluenose.....	—
Blue shark.....	1
Bronze shark.....	1
Butterfish.....	15
Elephant fish.....	5
Flatfish.....	—
Grey mullet.....	—
Hammerhead shark.....	1
Kahawai.....	15
Lamprey.....	—
Ling.....	—
Mako shark.....	1
Marblefish.....	—
Marlin.....	1
Porbeagle shark.....	1
Quinnat salmon.....	2
Red cod.....	10
Red gurnard.....	—
Red moki.....	15
Rig.....	5
School shark.....	5
Seven gilled shark.....	1
Skate ray.....	5
Snapper.....	—
Spiky dog.....	15
Stargazer.....	—
Tarakihi.....	15
Thresher shark.....	1
Trevally.....	—
Trumpeter.....	15
Warehou.....	15
Wrasse.....	—

- (2) No person may, on any day,—
 - (a) Take from within the Southland and Sub-Antarctic Fishery Management Areas any fish in excess of the maximum daily number specified in respect of that fish in the table set out in subclause (1); or
 - (b) Possess more than the specified maximum daily number of any such fish in those areas; or
 - (c) Possess more than the specified maximum daily number of any such fish taken from within those areas.
- (3) No person may, on any day,—
 - (a) Take from within the Southland and Sub-Antarctic Fishery Management Areas more than 30 fish to which the table set out in subclause (1) applies; or
 - (b) Possess more than 30 of any such fish in those areas; or
 - (c) Possess more than 30 of any such fish taken from within those areas.
- (3A) The total numbers referred to in subclause (3) include any hapuku/bass taken or possessed in accordance with regulation 4AA(2) or (3).
- (4) No person may, on any day,—
 - (a) Take from within the Southland and Sub-Antarctic Fishery Management Areas a total quantity of hapuku/bass and kingfish exceeding 5; or
 - (b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in those areas; or
 - (c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within those areas.
- (5) No person may, on any day,—
 - (a) Take from within the Southland and Sub-Antarctic Fishery Management Areas more than 3 kingfish; or
 - (b) Possess more than 3 kingfish in those areas; or
 - (c) Possess more than 3 kingfish taken from within those areas.
- (6) No person may, on any day,—
 - (a) take more than 15 blue cod from within those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point on Stewart Island (at approximately 46° 53.74'S and 168° 09.86'E) to Bullers Point on The Neck on Stewart Island (at approximately 46° 55.21'S and 168° 11.65'E); or
 - (b) Possess more than 15 blue cod in those waters; or
 - (c) Possess more than 15 blue cod taken from within those waters.
- (7) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of fish (as specified in this regulation), but not more than 3 times the daily limit.
- (8) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of fish (as specified in this regulation).

Regulation 4 was substituted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Regulation 4 was amended, as from 1 October 1994, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173) by substituting “take” for “taken”, and by inserting subcls (6).

Regulation 4 was substituted, as from 15 July 1999, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/183).

Regulation 4(1) table Red cod: amended, on 1 April 2008, by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2008 (SR 2008/31).

Subclause (1) was amended, as from 1 April 2007, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/47) by omitting the item relating to “white pointer”.

Subclause (3A) was inserted, as from 30 June 2005, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Subclause (3A) was amended, as from 1 July 2005, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/195) by inserting “or any sea perch (Jock Stewart)” after “any hapuku/bass”.

Subclause (6)(a) was substituted, as from 26 July 2001, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/149).

Subclauses (7) and (8) were inserted, as from 1 October 2001, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

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

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

Species	Maximum daily number in Fiordland (Te Moana o Atawhenua) Marine Area	Maximum daily number in the internal waters of Fiordland
Blue cod	20	3
Hapuku/bass	5	3
Sea perch (Jock Stewart)	10	10
Paua	10	10
Rock lobster	6	3
Scallops	10	10

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

Regulations 4AA and 4AAB were inserted, as from 30 June 2005, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

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

- (1) A person in charge of a vessel within the Fiordland (Te Moana o Atawhenua) Marine Area must ensure that—
 - (a) not more than 2 dahn lines are possessed on, or used or set from, that vessel on any day; and
 - (b) no dahn line possessed on, or used or set from, that vessel has more than 5 hooks attached; and

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

Regulations 4AA and 4AAB were inserted, as from 30 June 2005, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

4AAC Set net fishing prohibited in defined area from Slope Point to Sand Hill Point

- (1) A person 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 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 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 proceeds 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 from the mean high-water mark at a distance of 4 nautical miles 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 4AAC: inserted, on 1 October 2008, by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/278).

4A Minimum set net mesh size

- Notwithstanding regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, the mesh size of any set net used or possessed by any person in the Southland and Sub-Antarctic

Fishery Management Areas shall not be less than the appropriate size specified in the following table:

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

- Regulation 4A was inserted by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

5 Scallops

- (1) Notwithstanding anything in regulation 24 of the Fisheries (Amateur Fishing) Regulations 1986, but subject to subclause (2) of this regulation,—
 - (a) Any person may take any scallops from, or possess any scallops taken from, the Southland Fishery Management Area between the 1st day of October in any year and the 15th day of March in the next year (both days inclusive); but
 - (b) No person shall take any scallops from, or possess any scallops taken from, those waters between the 16th day of March in any year and the 30th day of September in the same year (both days inclusive).

(1A) A person contravenes this subclause if the person, in taking or being in possession of scallops in breach of subclause (1), takes or is in possession of not more than 10 scallops.

(1B) A person contravenes this subclause if the person, in taking or being in possession of scallops in breach of subclause (1), takes or is in possession of more than 10 scallops.

(2) No person shall, on any day,—

- (a) Take more than 10 scallops from the Southland and Sub-Antarctic Fishery Management Areas; or
- (b) Possess more than 10 scallops taken from those areas.

(3) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of scallops, but not more than 3 times the daily limit.

(4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of scallops.

Regulation 5 was substituted, as from 1 October 1994, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

Subclauses (1A) and (1B) were inserted, as from 1 October 2001, by regulation 4(1) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

Subclauses (3) and (4) were inserted, as from 1 October 2001, by regulation 4(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

5A Dredging prohibited in Paterson Inlet

- No person may use or possess a dredge within those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point on Stewart Island (at approximately 46° 53.74'S and 168° 09.86'E) to Bullers Point on The Neck on Stewart Island (at approximately 46° 55.21'S and 168° 11.65'E).

Regulation 5A was inserted by regulation 4 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Regulation 5A was substituted, as from 26 July 2001, by regulation 4 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/149).

5AA Other restrictions relating to Paterson Inlet

- (1) No person shall—
 - (a) Use or have in possession a set net or longline or blue cod pot; or
 - (b) Use more than 2 rock lobster pots on any day,—within those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point on Stewart Island (at approximately 46° 53.74'S and 168° 09.86'E) to Bullers Point on The Neck on Stewart Island (at approximately 46° 55.21'S and 168° 11.65'E).
- (2) A person contravenes this subclause if the person, in using rock lobster pots in breach of subclause (1), uses—
 - (a) 3 pots; or
 - (b) 4 pots.
- (3) A person contravenes this subclause if the person, in using rock lobster pots in breach of subclause (1), uses 5 or more pots.

Regulation 5AA was inserted, as from 1 October 1994, by regulation 5 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

Regulation 5AA was amended, as from 26 July 2001, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/149) by substituting the words “on Stewart Island (at approximately 46°; 53.74'S and 168° 09.86'E) to Bullers Point on The Neck on Stewart Island (at approximately 46° 55.21'S and 168° 11.65'E)” for the words “(at 46° 53.83'S and 168° 09.82'E) to Bullers Point on Stewart Island (at 46° 55.26'S and 168° 11.45'E)”.

Subclauses (2) and (3) were inserted, as from 1 October 2001, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

Subclause (2) was substituted, as from 21 October 2004, by regulation 3 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/336).

5B Daily allowance for mussels in Southland Fishery Management Area

- (1) Notwithstanding regulation 19 of the Fisheries (Amateur Fishing) Regulations 1986, no person shall on any day take more than 25 mussels, or possess more than 25 mussels taken, from any waters of the Southland Fishery Management Area other than the waters south of the latitude 46°41.0'S.
- (2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of mussels, but not more than 3 times the daily limit.
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of mussels.

Regulation 5B was inserted by regulation 4 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289).

Subclauses (2) and (3) were inserted, as from 1 October 2001, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

5C Dredging restrictions in Foveaux Strait

- No person may use, or have in the person's possession, a dredge with a bar or bit that is more than 1 m long within—
 - (a) those waters of Foveaux Strait bounded by a straight line commencing at Saddle Point on Stewart Island (at 46°43.31'S and 167°58.56'E) to Garden Point (at 46°46.46'S and 168°00.18'E) then by a straight line to Mamaku Point (at 46°51.70'S and 168°08.64'E) then along the mean high-water mark to the point of commencement;
 - (b) those waters of Foveaux Strait bounded by a straight line commencing at North Head on Ruapuke Island (at 46°44.20'S and 168°31.92'E) to Seal Rock (at 46°45.05'S and 168°35.82'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°46.25'S and 168.32.58'E) then along the mean high-water mark to the point of commencement;
 - (c) those waters of Paterson Inlet bounded by a straight line commencing at Ackers Point (at 46°53.8'S and 168°09.8'E) to Sprat Point on Bench Island (at 46°54.02'S and

168°14.04'E) then along the mean high-water mark to the southwesternmost point on Bench Island (at 46°54.82'S and 168°13.68'E) then by a 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.

Regulation 5C: inserted, on 1 October 2007, by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 3) 2007 (SR 2007/246).

6 Taking and possession of red coral prohibited

- No person shall take any red coral from the Southland and Sub-Antarctic Fishery Management Areas or possess any red coral taken from those areas.

7 Offences and penalties

- (1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 if the person contravenes, or fails to comply with, any of regulations 3A(4), 4(7), 4AA(5), 4AAB(3), 4A, 5(1A) or (3), 5A, 5AA(1)(a) or (2), 5B(2), 5C, or 6.
(2) A person commits a serious non-commercial offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person contravenes, or fails to comply with, any of regulations 4(8), 4AA(6), 4AAC(1), 5(1B) or (4), 5AA(3), or 5B(3).
(3) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.
(4) Subject to subclause (5), subclause (3) does not apply to the maximum daily number of fish specified in regulation 4 or regulation 4AA if those fish were taken within the Fiordland (Te Moana o Atawhenua) Marine Area (including any internal waters of Fiordland).
(5) It is a defence to a charge of possessing more than the specified maximum daily number of rock lobster taken within the, Fiordland (Te Moana o Atawhenua) Marine Area if—
 - (a) not more than 15 rock lobster are possessed; and
 - (b) the daily limit for rock lobster specified in regulation 4AA(2) was not exceeded; and
 - (c) not more than 3 of the rock lobster possessed were taken from within the internal waters of Fiordland; and
 - (d) the rock lobster are held in containers or bags that—
 - (i) contain only rock lobster taken on a single day; and
 - (ii) are clearly labelled to record—
 - (A) the individual fisher's full name; and
 - (B) the date on which that fisher took the rock lobster; and
 - (C) the number of rock lobster held in the container or bag; and
 - (D) the number of those rock lobster (if any) taken from within the internal waters of Fiordland.
- (6) Despite subclause (4), any fish taken in accordance with regulation 4AA must, for the purposes of the subclause (3) defence, be included in the total number of fish possessed.
- (7) Subclause (6) is for the avoidance of doubt.

Regulation 7 was substituted, as from 1 October 2001, by regulation 6 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/272).

Regulation 7(1): amended, on 1 October 2007, by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 3) 2007 (SR 2007/246).

Regulation 7(2): amended, on 1 October 2008, by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/278).

Subclause (1) was amended by regulation 5 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 1 (SR 1993/289) by substituting the words “any provision of these regulations other than regulation 6 of these regulations” for the words “regulation 4 or regulation 5 of these regulations”.

Subclause (1A) was inserted, as from 15 July 1999, by regulation 5 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/183).

Subclause (3) was substituted, as from 1 October 1994, by regulation 6 Fisheries (Southland and Sub-Antarctic areas Amateur Fishing) Regulations 1991, Amendment No 2 (SR 1994/173).

Subclause (1) was amended, as from 30 June 2005, by regulation 7(1)(a) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141) by inserting the expression “3A(4),” after the word “regulations”.

Subclause (1) was amended, as from 30 June 2005, by regulation 7(1)(b) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141) by inserting the expression “4AA(5), 4AAB(3),” after expression “4(7),”.

Subclause (2) was amended, as from 30 June 2005, by regulation 7(2) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141) by inserting the expression “4AA(6),” after the expression “4(8),”.

Subclauses (4) to (7) were inserted, as from 30 June 2005, by regulation 7(3) Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).

Schedule

r 3

Description of internal waters of Fiordland

- The Schedule was inserted, as from 30 June 2005, by regulation 8 Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/141).
- 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.

Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, relate to the Southland and Sub-Antarctic Fishery Management Areas, and impose 3 restrictions on amateur fishing in those areas that are additional to the general restrictions contained in the Fisheries (Amateur Fishing) Regulations 1986 (SR 1986/221).

The 3 restrictions are as follows:

- (a) The maximum daily limit for groper is set at 5. The former limit was 30:
- (b) The maximum daily limit for scallops is set at 10. The former limit was 20:
- (c) The taking and possession of red coral is absolutely prohibited.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 April 1991.

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Notes

1 General

- This is an eprint of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991. It incorporates all the amendments to the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 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 Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/278)
Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations 2008 (SR 2008/31)
Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Amendment Regulations (No 3) 2007 (SR 2007/246)