

that packing house, and the net weight of the rock lobster or rock lobster tails therein; and

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

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

"Day" means a period of 24 hours computed from midnight to midnight:

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

"Finfish" includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes):

"Fishing year" means a period of 12 months ending with the 30th day of September:

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

- (a) To the west, by a straight line drawn from Oraki Point in Block 2, Longwood Survey District (at 46° 23.6' S and 167° 52.52' E) to the easternmost point of Centre Island (at 46° 27.7' S and 167° 51.3' E); thence by mean high-water mark to Centre Island Lighthouse (at 46° 27.8' S and 167° 50.6' E); thence by a straight line to the northernmost point of Codfish Island (at 46° 45.2' S and 167° 36.6' E); thence by a straight line to North Red Head on the northwest coast 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 on Stewart Island (at 47° 0.9' S and 168° 13.8' E):

"Length", unless otherwise specified, means—

- (a) In relation to any rock lobster tail, its length from the posterior side of the calcified bar on the underside of the first segment to the tip of the telson of the tail fan, measured in a middle straight line along the under side or ventral side with the tail laid flat using no more pressure applied to the rock lobster or measuring device than will hold the measuring device against the posterior side of the first calcified bar and will cause the ventral surface to just touch the measuring device:
- (b) In relation to any finfish, its length from the tip of the nose to the posterior end of the middle ray of the tail fin:
- (c) In relation to any shellfish, the greatest diameter of the shell:

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

"Oyster" includes the kinds of molluscs known as *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 lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster:

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

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

"Rock lobster" means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):

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

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

#### Rock Lobsters

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

(2) No person shall take from that part of the sea described in subclause (1) of this clause any rock lobster the tail of which is less

than 152 mm in length, unless the rock lobster is taken during the period commencing with the 21st day of June in any year and ending with the 19th day of December in that year and its tail is not less than 127 mm in length.

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

- (a) A fishing permit authorising the taking of rock lobsters is in force in respect of the fishing vessel:
- (b) The fishing vessel is registered at Dunedin and domiciled at a port or place lying between the Waitaki River South Head Aero Beacon (at 44° 56' 7" S and 171° 08' E) and Nugget Point Lighthouse (at 46° 27' S and 169° 49' E):
- (c) All rock lobsters with tails less than 152 mm in length are landed at the said port or place of domicile.

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

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

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

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

- (a) By any fishing vessel with the port of registry as Bluff; or
- (b) By any fishing vessel with port registry as Dunedin or Greymouth or Westport, if the master or person in charge, before leaving the port at which the vessel is registered to fish for rock lobsters in the above waters has notified the local fishery officer at the port of registry, of his intention to fish for rock lobsters in those waters, and notifies a fishery officer immediately after the return of the vessel to the port of registry that the vessel has been engaged in fishing for rock lobsters in those waters.

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

(3) No person shall land any rock lobsters taken from the waters lying within 12 nautical miles of mean high-water mark of the coast of the South Island lying between Long Point (at 46° 34' 8" S and 169° 34' 8" E) and Heretanewha Point at Bruce Bay (at 43° 34.5' S and 169° 34.7' E) by a registered fishing vessel to which subclause (1) (b) of this clause applies, except at the port or place of domicile of the vessel or at any port or place lying between Puysegur Point (at 46° 09.5' S and 166° 36.6' E) and Bruce Bay (at 43° 34.5' S and 169° 34.7' E).

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

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

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

- (a) Rock lobster tailing and processing shall be carried out in an authorised fish packing house:
- (b) Rock lobsters or rock lobster tails authorised for export shall be packed in an authorised fish packing house and the containers containing rock lobster or rock lobster tails, the tail of which is less than 152 mm but greater than 127 mm in length, shall be sealed under the direction of a fishery officer,