

FREQUENTLY ASKED QUESTIONS:

Q: Am I allowed to fillet my fish at sea?

A: Generally there are no regulations which prohibit the filleting of finfish (shellfish which have minimum sizes stipulated must be landed in a measurable state) fish at sea. An exception to this is blue cod in the Marlborough Sounds which cannot be filleted at sea. Where the fish in question is subject to a size limit, it would be beneficial to fillet larger fish where there can be no doubt as to the original size of the fish. If your fish is just on or near the legal size limit it is recommended that you do not fillet the fish at sea or bring the frames in so that they can be measured. You may have to satisfy a Fishery Officer that the fillets came from a legal sized fish.

Q: Is the Ministry responsible for whitebait and trout?

A: No. White bait is covered by the Department of Conservation and trout is covered by New Zealand Fish and Game.

Q: Am I allowed to sell fish that I have caught?

A: Only Commercial fishers who hold a current fishing permit are allowed to sell their catch to licensed fish receivers (LFR's). Persons on selling fish purchased from an LFR are called dealers in fish(DIFs) and they, along with LFRs, need to keep records of fish purchased and sold. It's a serious offence for anyone else such as recreational or customary fishers to sell their catch. Selling includes offering for sale and barter. Raffling fish is also illegal (unless it is purchased from an LFR) and is included as sale. The only exemption is whitebait which is exempt from regulations covering the purchase and sale of fish species under the Fisheries Act.

Q: What should I do if I suspect someone is illegally selling fish or shellfish?

A: If you suspect someone of selling fish illegally, take as many details as you can; i.e. the location, time, date, a photo if possible, car registration, description of person and vehicles. Call 0800 4 POACHER(0800 476224) or your local Ministry of Fisheries Office. Do not buy the fish if you suspect it is illegal.

Q: How many long lines (set lines) can I have on a vessel?

A: Where more than one person is using a long line (set line) from a vessel then a maximum of no more than two longlines(set lines) can be used, set from or possessed on board that vessel. If you are the sole person onboard then you can use (or possess) one line only. Dahn lines or drop lines, often used to catch species such as hāpuku etc, are also included in the definition of set lines irrespective of the fact that they may have less than 25 hooks. Any floats used must be marked, permanently and legibly with the fishers surname and initials.

MFish recommends that you add your phone number as well in case the lines get misplaced or lost.

Q: Can I join two set lines together to fish?

A: For a set line to be legal it must contain no more than 25 hooks and at least one float at with your surname and initials marked permanently and legibly attached to it. An offence is committed if lines are joined together and then contain more than 25 hooks. It is not an offence to possession backbones and hooks in excess of requirements but offences are committed when they are joined/added in a way which contravenes requirements.

Q: What is the regulation regarding divers taking scallops/dredge oysters?

A: A diver may take an additional quota for up to a maximum of two safety people when diving from a vessel for scallops and dredge oysters. The daily bag limit per person remains at the bag limits that apply for the area being fished. (ie) 20 scallops for the Auckland and Kermadec area. Therefore in this area a diver with two safety people may take a maximum of 60 scallops. A diver with only one safety person may take up to 40 scallops. The regulations do not distinguish between UBA divers and free divers so free divers can also take up to two additional quota's for safety persons when fishing from a vessel. Any vessel used must be able to transport the diver and the safety person from the shore and back again

Q: Do scallops/dredge oysters have to be measured by a diver on the bottom?

A: Scallops must be measured and counted at the first available opportunity. In a recent court case involving the gathering of excess scallops the judge determined that the first available opportunity for a diver would be on the seabed. 'First opportunity' meaning on the sea floor does not necessarily include sizing scallops/dredge oysters if they are being taken by free diving. However the first opportunity to **count** the fish will be as they are being taken. Rock lobster taken by either scuba or free diving may not need to be measured on the bottom but divers will need to ensure they only take the number allowed as a daily bag limit. Paua taken by free diving may not require measurement on the sea floor but again the number taken should not exceed the daily bag limit. Excess number cannot be taken 'in case some are under size" or so that they can be high graded.

Q: Who is deemed to be "a safety person?"

A: A "safety person" will be considered on a case by case basis but they should be capable of making decisions and participating in diver safety. For example MFish would expect that a safety person would be able to track bubbles and communicate this info to others, drive the vessel in emergencies, operate a VHF or marine radio, assist the diver onboard and retrieve the anchor etc. If there are two safety persons then each one may not necessarily have to perform all the functions.

Q: Are scallops/dredge oysters able to be eaten at sea?

A: Yes scallops/dredge oysters which are taken as part of your daily limit (some area bag limits differ) may be eaten at sea. Any scallops/dredge oysters that are to be brought back onto land must remain in their shells and be in a measurable state so that they can be inspected by a Fishery Officer. Persons found to be in possession of shucked scallops/dredge oysters on landing of a vessel will be found to be in breach of the Regulations. On this basis only shuck what you can eat of your daily limit and bring the rest back in the shell. Other shellfish such as paua and rock lobsters cannot be shucked and eaten on board

Q: Can mussel be taken with SCUBA?

A: Yes. Daily bag limits apply.

Q: Has there been any changes to paua being taken with Underwater Breathing Apparatus (UBA)?(This question arose after mussels were removed from this regulation)

A: No, the regulations for taking and possessing paua exclude the use of UBA. It is illegal to take paua with UBA or be in possession of UBA gear and paua whether on board a vessel or in a vehicle.

Q: Who is entitled to a daily limit for scallops where a dredge is used?

A: The people who are actively involved in the operation of that dredge and the immediate sorting process are entitled to a daily limit. To simply observe the operation or be asleep on board would not qualify.

Q: Are crayfish (rock lobster) lassos/loops prohibited?

A: Not entirely- Lasso's that are spring loaded may not be used and are illegal. Hand operated lassoes /loops are allowed to be used. Rock lobster hooks are able to be used however these must not pierce the rock lobster otherwise they will then be classed as a spear. Spearing rock lobsters is illegal.

Q: Does a boat limit apply to the maximum, of finfish or shellfish that can be taken?

A: No. The daily limits only apply per person relevant to the species that is being taken. Only those person actively engaged in the fishing operation are able to have a daily bag limit or quota.

Q: Can I accumulate my daily take over a number of days while remaining at sea?

A: Provided you take no more than the daily limit each day you can accumulate, (there are some exceptions to this (eg) Fiordland for a range of species and nationally there is accumulation limits for pāua. A maximum of 20 paua or 2.5kg shucked (shell removed) can be possessed. Check if any accumulation limits apply if your area. If you have more than the daily bag limit when inspected you will therefore “at any time” potentially be in possession of excess fin/shellfish. Please note: The onus of proof is on each person to satisfy a fishery officer (and potentially the court if the fishery officer is not satisfied) that the fin/shellfish were taken lawfully. Fisheries compliance suggests that fishers: “bag and tag” – separately label each person’s daily take with their name, species, number and date taken and keep a diary record including each person’s name, species, number and date taken. You may use a combination of this advice dependant on your particular situation. At the end of the day you may have to satisfy a judge that you didn’t exceed the limit each day. Other options are also to ‘log in’ with your local marine radio and radio departure port/time, nightly location and arrival date/time and port returned to. This is good safety practise as well.

Q: How is a daily bag limit ‘day’ calculated?

A. A fishing ‘day’ is calculated as a 24 hour period (District court judge opinion) and does not start and finish at midnight, For example if you leave at 11 pm and arrive back at 8 am the following day you will be entitled to only one daily bag limit.

Q: Can I give away my catch?

A. Yes but be aware any fin/shellfish you give away is deducted from your own individual daily entitlement. You cannot swap your catch for other goods and services as this then becomes barter.(see question regarding sale above)

Q: Can I keep scallops and other shellfish that are washed up on the beach?

A: Yes you can gather stranded scallops and other shellfish off the beaches even though they may be out of season (such as scallops) all the other rules still apply. Each person gathering can still only take a maximum of 20-scallops (area limits apply- 20 is the limit in the Auckland and Kermadec area) of these scallops and the minimum size limit of 100mm(Auckland and Kermadec) across the widest part of the shell also still applies. Gatherers cannot wander into the water and grab scallops as they float in the shallows, nor can they take them while they are briefly ashore ‘between waves’ at low or half tide. To be legally taken, the scallops must be clearly stranded above the high tide mark,

The usual bag limits relating to other shellfish likely to be stranded at this time — mainly pips and tuatua — also still apply. Also as usual, only those doing the actual gathering are entitled to a bag limit. A gatherer cannot collect 20 scallops for

themselves and another 20 for their spouse or neighbour who might be at home or work. Only those who actually “take” the shellfish from the beach can claim a bag limit

Q: What is a soft shell rock lobster?

A. It is illegal to take rock lobster in the soft shell state. SOFT shell is “post” moult (ie) when the rock lobster sheds the old shell and the immediate stage after that the shell is soft/rubber like. Over a period of time the shell hardens up. The definition of soft shell stage from the Amateur Fishing regulations is the “state of a rock lobster following moulting where the exoskeleton has not reached **full hardness**. Pre Moulting the shell is still the “original” and will not be considered soft although there can be a slight softening of the original shell. Most Rock Lobsters don’t “pot” during this time but obviously are available to divers. Immediately before “pre moult” and at “post moult” the rock lobster flesh is a pink colour and tends to be a bit “mushy after cooking. As the shell starts to harden up there is a transition stage which may require some reasonable interpretation of when the rock lobster has reached “**full hardness**” A good rule is that if the Rock Lobster (Cray) feels in anyway soft and it is NOT pre moult or if you are unable to determine the difference between pre-moult and post moult then it should NOT be taken.

Q: What rules apply to the accumulation of paua?

A. The maximum number of paua that one person can have in their possession at any one time is-20 paua being two times the daily bag limit of paua Or shucked weight (shell removed) of 2.5kg of paua. The 2.5 kg accumulation limit only applies if the paua meat is not in a state where individual paua can be counted. The accumulation limits apply at all times including paua stored at private dwellings.

Q: How do I find Recreational Fishing Regulations for my area?

A: Regulations are available on the web site www.fish.govt.nz in the Recreational section. The web site also has an e-mail contact and you can use this to request information to be sent or ask questions. You can also contact any of your local Ministry of Fisheries offices where a brochure or handbook can be sent out. Most Marine outlets around the New Zealand have the current recreational pamphlets.

Q: What are the rules around landing of shellfish?

A: All shellfish that have a size limit stipulated must be landed in measurable state . Species such as scallops(exception for scallops and dredge oysters shucked and eaten on board within daily bag limits) dredge oysters andpaua cannot be shucked (shell removed) below the high water mark. You are not able to land shellfish, shuck them above the high water mark and then transport them by sea to another location.

Q: What is the situation regarding rock lobster pots and other pots such as crab or cod pots?

A: All pots used to catch rock lobster pots must meet the marking and escape gap requirements. Pots used to catch other species must meet the marking requirements but do not need to have escape gaps as required for rock lobster pots. Pot individual limits (3 per person) and boat limits (6 per vessel) apply as a total for all species. Note: If you set a pot that is designed for species other than rock lobster in an area which is likely to result in the pot catching rock lobsters you will need to have escape gaps included.

Q: What is the situation regarding shells that do not have any meat in them such as scallops and paua found on a beach?

A: Shells can only be gathered if they are of legal size and totals must be within daily bag limits. Shells gathered by recreational fishers cannot be sold, bartered or traded.

Q: Can people share daily bag limits?

A: No -people cannot share daily bag limits. For example if there are two rod and reel fishers on a vessel they are each able to take the daily bag limits which apply to the species being taken. Daily bag limits apply to individuals but in some areas aggregation limits (accumulation of a number of daily bag limits) can apply. Daily bag limits are not able to be taken for people NOT actually fishing.

If in doubt with regards to the Regulations, never hesitate to contact your local Ministry of Fisheries office, as we are only too happy to assist the public with any questions that they may have.