



Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of August 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2008.
- 2 Commencement**
These regulations come into force on 1 October 2008.
- 3 Principal regulations amended**
These regulations amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

4 Interpretation

- (1) Regulation 2(1) is amended by revoking the definition of **Challenger Fisheries Management Area** and substituting the following definition:

“**Challenger Fisheries Management Area** means all that area of New Zealand fisheries waters enclosed by a line that—

- “(a) commences on the mean high-water mark of the west coast of the South Island at the westernmost point of Awarua Point (at 44°15.60’S and 168°03.10’E); and
- “(b) then proceeds west along the line of this latitude to the exclusive economic zone boundary (longitude 162°12.90’E); and
- “(c) then proceeds in a generally north-easterly direction along the exclusive economic zone boundary to the easternmost point of the exclusive economic zone boundary nearest (at 37°35.60’S and 170°05.70’E); and
- “(d) then proceeds in a generally south-easterly direction directly to a point (at 40°32.00’S and 174°20.00’E); and
- “(e) then proceeds in a generally southerly direction directly to the Brothers Island light (at 41°06.20’S and 174°26.50’E); and
- “(f) then proceeds in a generally southerly direction directly to a point (at 42°10.00’S and 174°42.00’E); and
- “(g) then proceeds west along the 42°10.00’S line of latitude to the mean high-water mark of the South Island near Clarence Point (longitude 173°56.50’E); and
- “(h) then proceeds along the mean high-water mark of the South Island in a generally northerly, westerly, and south-westerly direction to the point of commencement”.

- (2) Regulation 2(1) is amended by inserting the following definition in its appropriate alphabetical order:

“**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 m; and
- “(b) is fitted with a device (for example, a spreader bar, rope, or wire) that is no more than 1 m long on the wing-end to constrain the wing-end height to below 1 m; and

“(c) has buoyancy on the headline that does not exceed 60 kg”.

5 Set nets exceeding 1 000 m, and box or teichi nets, prohibited in defined areas

- (1) Regulation 2B(1) is amended by omitting “, or set nets of a total length exceeding 1 000 m,”.
- (2) Regulation 2B(1)(a) is amended by omitting “Robertson Point (at 41°21.15’S and 174°07.40’E)” and substituting “Robertson Point (at 41°21.02’S and 174°07.26’E)”.
- (3) Regulation 2B(1)(b) is amended by—
 - (a) omitting “Cape Jackson (at 40°59.80’S and 174°18.90’E) to Cape Koamaru (at 41°05.50’S and 174°23.0’E)” and substituting “Cape Jackson (at 40°59.70’S and 174°18.80’E) to Cape Koamaru (at 41°05.50’S and 174°23.00’E)”;
 - (b) omitting “East Head (at 41°12.80’S and 174°19.80’E)” and substituting “East Head (at 41°12.60’S and 174°19.40’E)”;
 - (c) omitting “Tory Channel (at 41°12.90’S and 174°18.90’E)” and substituting “Tory Channel (at 41°12.79’S and 174°18.92’E)”.
- (4) Regulation 2B(1)(c) is amended by omitting “Paparoa Head (at 40°54.70’S and 174°01.50’E)” and substituting “Paparoa Head (at 40°54.63’S and 174°01.34’E)”.
- (5) Regulation 2B(1)(d) is amended by omitting “Collinet Point (at 40°55.50’S and 173°50.80’E) to Clay Point (at 40°53.40’S and 173°58.80’E)” and substituting “Collinet Point (at 40°55.42’S and 173°50.59’E) to Clay Point (at 40°53.33’S and 173°58.71’E)”.
- (6) Regulation 2B(1)(e) is amended by omitting “D’Urville Peninsula (at 40°52.80’S and 173°53.70’E) to Reef Point (at 40°52.60’S and 173°52.70’E)” and substituting “D’Urville Peninsula (at 40°52.65’S and 173°53.76’E) to Reef Point (at 40°52.52’S and 173°52.71’E)”.
- (7) Regulation 2B(1)(f) is amended by omitting “Nile Head (at 40°43.80’S and 173°52.30’E) to Cape Stephens (at 40°41.60’S and 173°57.0’E)” and substituting “Nile Head (at 40°43.70’S

- and 173°52.25'E) to Cape Stephens (at 40°41.57'S and 173°57.21'E)".
- (8) Regulation 2B(1)(g) is amended by—
- (a) omitting "Ragged Point (at 40°50.0'S and 173°47.10'E)" and substituting "Ragged Point (at 40°50.00'S and 173°47.10'E)"; and
- (b) omitting "harbour (at 40°49.0'S and 173°47.60'E)" and substituting "harbour (at 40°48.90'S and 173°47.65'E)".
- (9) Regulation 2B(1)(h) is amended by omitting "Sauvage Point (at 40°56.60'S and 173°46.20'E) to Okarewa Point (at 40°53.80'S and 173°46.20'E)" and substituting "Sauvage Point (at 40°56.47'S and 173°46.32'E) to Okarewa Point (at 40°53.72'S and 173°46.30'E)".
- (10) Regulation 2B(1)(i) is amended by omitting "Kokaho Point (at 41°02.30'S and 173°40.30'E)" and substituting "Kokaho Point (at 41°02.18'S and 173°40.33'E)".
- (11) Regulation 2B(1)(j) is amended by inserting "a point at the outer west channel entrance at Mapua (at 41°15.04'S and 173°06.42'E) to" after "drawn from".
- (12) Regulation 2B(1)(k) is amended by omitting "Taupo Point (at 40°47.40'S and 172°57.20'E)" and substituting "Taupo Point (at 40°47.36'S and 172°57.24'E)".
- (13) Regulation 2B(1)(l) is amended by omitting "west headland at 40°35.0'S and 172°32.0'E to a point on the east headland at 40°34.60'S and 172°32.80'E" and substituting "west headland at 40°35.00'S and 172°32.00'E to a point on the east headland at 40°34.46'S and 172°33.05'E".
- (14) Regulation 2B is amended by inserting the following subclause after subclause (1):
- "(1A) A commercial fisher must not use set nets of a total length exceeding 1 000 m in the waters referred to in subclause (1)(c) to (l)."

6 New regulations 2BC and 2BD inserted

The following regulations are inserted after regulation 2BB:

“2BC Set net fishing prohibited in certain areas from Clarence Point to Cape Jackson

- “(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) commences at the mean high-water mark at Clarence Point (at 42°10.00’S and 173°56.00’E); and
 - “(b) then proceeds due east 4 nautical miles, then generally follows the coast north to a point on the Challenger Fishery Management Area boundary (at 42°10.00’S and 174°01.74’E); and
 - “(c) then proceeds in a line 4 nautical miles from the mean high-water mark to a point on the Challenger Fishery Management Area boundary (at 41°11.37’S and 174°27.76’E); and
 - “(d) then proceeds in a straight line to a point on the Challenger Fisheries Management Area boundary (at 41°01.85’S and 174°25.67’E); and
 - “(e) then proceeds around the line of the coast to a point 4 nautical miles due north of Cape Jackson light (at 40°55.62’S and 174°18.80’E); and
 - “(f) then proceeds due south to Cape Jackson light (at 40°59.70’S and 174°18.80’E); and
 - “(g) then proceeds in a southerly direction along the mean high-water mark to the west bank of the Wairau River (at 41°30.02’S and 174°03.65’E); and
 - “(h) then proceeds in a straight line to the east bank of the Wairau River (at 41°30.05’S and 174°03.72’E); and
 - “(i) then proceeds south along the line of the mean high-water mark to Clarence Point (at 42°10.00’S and 173°56.00’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.

“2BD Set net fishing prohibited in certain areas from Farewell Spit Lighthouse to Awarua Point

- “(1) A commercial fisher must not use a set net for fishing in the waters lying within 2 nautical miles from the mean high-water mark to the sea in a line that—
- “(a) extends from Farewell Spit Lighthouse (at 40°32.70’S and 173°00.50’E); and
 - “(b) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Whanganui Inlet east headland (at 40°34.46’S and 172°33.05’E); and
 - “(c) then proceeds in a straight line to the Whanganui Inlet west headland (at 40°35.00’S and 172°32.00’E); and
 - “(d) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Little Wanganui east head (at 41°23.46’S and 172°03.63’E); and
 - “(e) then proceeds in a straight line to the Little Wanganui west head (at 41°23.46’S and 172°03.19’E); and
 - “(f) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Mokihinui River (at 41°31.18’S and 171°56.31’E); and
 - “(g) then proceeds in a straight line to the south bank of the Mokihinui River (at 41°31.43’S and 171°56.11’E); and
 - “(h) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the east head of the Orowaiti Lagoon (at 41°44.42’S and 171°40.16’E); and
 - “(i) then proceeds in a straight line to the west head of the Orowaiti Lagoon (at 41°44.42’S at 171°39.37’E); and
 - “(j) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Buller River west bank (at 41°43.93’S and 171°35.17’E); and
 - “(k) then proceeds in a straight line to the Buller River east bank (at 41°43.93’S and 171°35.62’E); and
 - “(l) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of

- the north bank of the Waitakere/Nile River west bank (at 41°53.81'S and 171°26.62'E); and
- “(m) then proceeds in a straight line to the Waitakere/Nile River east bank (at 41°53.81'S and 171°26.71'E); and
- “(n) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Grey River (at 42°26.32'S and 171°11.49'E); and
- “(o) then proceeds in a straight line to the south bank of the Grey River (at 42°26.39'S and 171°11.38'E); and
- “(p) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the north entrance of the Hokitika River (at 42°43.22'S and 170°57.10'E); and
- “(q) then proceeds in a straight line to the south entrance of the Hokitika River (at 42°43.31'S and 170°56.91'E); and
- “(r) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Kakapotahi River (at 42°57.26'S and 170°39.74'E); and
- “(s) then proceeds in a straight line to the Kakapotahi River south bank (at 42°57.40'S and 170°39.53'E); and
- “(t) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the westernmost point of Awarua Point (at 44°15.60'S and 168°03.10'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.”

7 Finfishing prohibited in inner Queen Charlotte Sound

- (1) Regulation 2C(1) is amended by—

- (a) omitting “Dieffenbach Point (at 41°14.0’S and 174° 08.70’E)” and substituting “Dieffenbach Point (at 41°14.00’S and 174° 08.70’E)”; and
 - (b) omitting “Ruakaka Bay (at 41°13.0’S and 174°08.60’E)” and substituting “Ruakaka Bay (at 41°12.93’S and 174°08.63’E)”.
- (2) Regulation 2C(2) is amended by inserting “only during the period commencing on 1 April in each year and ending on 30 September in that year and” after “waters”.

8 Finfishing prohibited in Croisilles Harbour

Regulation 2D(1) is amended by omitting “Kokaho Point (at 41°02.30’S and 173°40.30’E)” and substituting “Kokaho Point (at 41°02.18’S and 173°40.33’E)”.

9 Certain fishing prohibited in inner Pelorus Sound

- (1) Regulation 2E(1) is amended by omitting “Camel Point (at 41°02.10’S and 173°48.70’E)” and substituting “Camel Point (at 41°01.91’S and 173°48.60’E)”.
- (2) Regulation 2E(3) is amended by omitting “Tawero Point (at approximately 41°03.80’S and 173°57.0’E) to Opani-aputa Point (at approximately 41°04.70’S and 173°58.50’E)” and substituting “Tawero Point (at 41°03.80’S and 173°57.00’E) to Opani-aputa Point (at 41°04.70’S and 173°58.50’E)”.
- (3) Regulation 2E(6) is amended by omitting “Koutuwai Point (at approximately 41°12.65’S and 173°52.30’E) to an unnamed point at the southern entrance to Kenepuru Sound (at approximately 41°13.30’S and 173°51.70’E)” and substituting “Koutuwai Point (at 41°12.65’S and 173°52.30’E) to an unnamed point at the southern entrance to Kenepuru Sound (at 41°13.30’S and 173°51.70’E)”.

10 Drag netting prohibited in Queen Charlotte Sound

Regulation 3(1) is amended by—

- (a) omitting “Cape Jackson (at 40°59.8’S and 174°18.9’E) to Cape Koamaru (at 41°05.5’S and 174°23’E)” and substituting “Cape Jackson (at 40°59.70’S and

174°18.80'E) to Cape Koamaru (at 41°05.50'S and 174°23'E)"; and

- (b) omitting "East Head (at 41°12.8'S and 174°19.4'E), to West Head (at 41°12.9'S and 174°18.9'E)" and substituting "East Head (at 41°12.60'S and 174°19.40'E), to West Head (at 41°12.79'S and 174°18.92'E)".

11 Prohibitions relating to outer Queen Charlotte Sound

Regulation 3A(1) is amended by—

- (a) omitting "Cape Jackson (at 40°59.80'S and 174°18.90'E) to Cape Koamaru (at 41°05.50'S and 174°23.0'E)" and substituting "Cape Jackson (at 40°59.70'S and 174°18.80'E) to Cape Koamaru (at 41°05.50'S and 174°23.00'E)"; and
- (b) omitting "East Head (at 41°12.80'S and 174°19.80'E) to West Head (at 41°12.90'S and 174°18.90'E)" and substituting "East Head (at 41°12.60'S and 174°19.40'E) to West Head (at 41°12.79'S and 174°18.92'E)"; and
- (c) omitting "Dieffenbach Point (at 41°14.0'S and 174°08.70'E) to West Head" and substituting "Dieffenbach Point (at 41°14.00'S and 174°08.70'E) to West Head"; and
- (d) omitting "Ruakaka Bay (at 41°13.0'S and 174°08.60'E)" and substituting "Ruakaka Bay (at 41°12.93'S and 174°08.63'E)".

12 New regulation 4 inserted

The following regulation is inserted after regulation 4:

"4 Trawling prohibited in certain areas from Clarence Point to Cape Jackson

- "(1) A commercial fisher must not trawl in the waters lying within an area bounded by a line that—
- "(a) extends from Clarence Point (at 42°10.00'S and 173°56.00'E); and
- "(b) then proceeds due east 2 nautical miles to a point (at 42°10.00'S and 173°59.06'E); and
- "(c) then proceeds in a northerly direction 4 nautical miles from the mean high-water mark to a point north-west of Cape Koamaru (at 41°03.53'S and 174°21.56'E); and

- “(d) then proceeds south-east to Cape Koamaru (at 41°03.53’S and 174°21.56’E); and
 - “(e) then proceeds south along the mean high-water mark to the east head of Tory Channel (at 42°12.60’S and 174°19.40’E); and
 - “(f) then proceeds in a straight line to the west head of Tory Channel (at 41°12.79’S and 174°18.92’E); and
 - “(g) then proceeds in a southerly direction along the mean high-water mark to the west bank of the Wairau River (at 41°30.02’S and 174°03.65’E); and
 - “(h) then proceeds in a straight line to the east bank of the Wairau River (at 41°30.05’S and 174°03.72’E); and
 - “(i) then proceeds south along the line of the mean high-water mark to Clarence Point (at 42°10.00’S and 173°56.00’E); and
 - “(j) then proceeds to Cape Jackson light (at 40°59.70’S and 174°18.80’E); and
 - “(k) then proceeds to a point 2 nautical miles due north of Cape Jackson light (at 40°57.61’S and 174°18.80’E); and
 - “(l) then proceeds 2 nautical miles from the mean high-water mark to a point 2 nautical miles south-east of Cape Jackson light (at 41°02.35’S and 174°20.75’E); and
 - “(m) then proceeds in a line to Cape Jackson light (at 40°59.70’S and 174°18.80’E).
- “(2) For the purposes of the areas 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 those areas if they extend seawards or as the outer boundary of those areas if they extend 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.”

13 Trawling prohibited at certain times in Golden Bay
Regulation 5 is amended by—

- (a) omitting “Pakawau Bridge (at 40°35.2’S and 172°41.10’E)” and substituting “Pakawau Bridge (at 40°35.20’S and 172°41.10’E)”; and
- (b) omitting “Tata Islands (at 40°48.40’S and 172°54.60’E)” and substituting “Tata Islands (at 40°48.31’S and 172°54.65’E)”; and
- (c) omitting “Tata Beach (at 40°48.7’S and 172°54.8’E)” and substituting “Tata Beach (at 40°48.70’S and 172°54.80’E)”.

14 Trawl and surrounding nets prohibited in certain areas

- (1) Regulation 6A(a) is amended by—
 - (a) omitting “Ragged Point (at 40°50.0’S and 173°47.10’E)” and substituting “Ragged Point (at 40°50.00’S and 173°47.10’E)”; and
 - (b) omitting “harbour (at 40°49.0’S and 173°47.60’E)” and substituting “harbour (at 40°48.90’S and 173°47.65’E)”.
- (2) Regulation 6A(b) is amended by inserting “a point at the outer west channel entrance at Mapua (at 41°15.04’S and 173°06.42’E) to” after “drawn from”.
- (3) Regulation 6A(c) is amended by—
 - (a) omitting “west headland at 40°35.0’S and 172°32.0’S” and substituting “west headland at 40°35.00’S and 172°32.00’S”; and
 - (b) omitting “east headland at 40°34.60’S and 172°32.80’S” and substituting “headland at 40°34.46’S and 172°33.05’S”.

15 Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound

- (1) Regulation 7(1) is amended by—
 - (a) omitting “Harding Point (at 40°54.5’S and 174°00.9’E) to Cape Jackson (at 40°59.8’S and 174°18.9’E)” and substituting “Paparoa Point (at 40°54.63’S and 174°01.34’E) to Cape Jackson (at 40°59.70’S and 174°18.80’E)”; and
 - (b) omitting “Cape Koamaru (at 41°05.5’S and 174°23’E)” and substituting “Cape Koamaru (at 41°05.50’S and 174°23’E)”; and

- (c) omitting “East Head (at 41°12.8’S and 174°19.4’E) to West Head of Tory Channel (at 41°12.9’S and 174°18.9’E)” and substituting “the east head of Tory Channel (at 41°12.60’S and 174°19.40’E) to the west head of Tory Channel (at 41°12.79’S and 174°18.92’E)”.
- (2) Regulation 7(2) is amended by—
- (a) omitting “Harding Point (at 40°54.5’S and 174°00.9’E) to Cape Jackson (at 40°59.8’S and 174°18.9’E)” and substituting “Paparoa Point (at 40°54.63’S and 174°01.34’E) to Cape Jackson (at 40°59.70’S and 174°18.80’E)”;
 - (b) omitting “Cregoe Point (at 41°03.3’S and 173°49.9’E) to Camel Point (at 41°02’S and 173°48.6’E)” and substituting “Cregoe Point (at 41°03.20’S and 173°49.90’E) to Camel Point (at 41°01.91’S and 173°48.60’E)”;
 - (c) omitting “Sheep Point (at 41°01.2’S and 173°48.8’E)” and substituting “Sheep Point (at 41°01.07’S and 173°48.84’E)”;
 - (d) omitting “Tawero Point (at 41°03.80’S and 173°57.0’E)” and substituting “Tawero Point (at 41°03.80’S and 173°57.00’E)”.

16 Pair trawling restricted in Tasman Bay

Regulation 8 is amended by—

- (a) omitting “Pepin Island (at 41°08.5’S and 173°24.8’E)” and substituting “Pepin Island (at 41°08.50’S and 173°24.80’E)”;
- (b) omitting “Adele Island (at 40°58.7’S and 173°04.2’E)” and substituting “Jules Point (at 40°58.58’S and 173°04.11’E)”;
- (c) omitting “Adele Island (at 40°58.6’S and 173°03.5’E)” and substituting “Adele Island (at 40°58.50’S and 173°03.50’E)”;
- (d) omitting “mainland (at 40°58.5’S and 173°02.9’E)” and substituting “mainland (at 40°58.43’S and 173°02.88’E)”.

17 Fishing prohibited in Double Cove, Queen Charlotte Sound

Regulation 9 is amended by—

- (a) omitting “Nohokouau Point (at 41°14.4’S and 174°00.5’E)” and substituting “Nohokouau Point (at 41°14.36’S and 174°00.52’E)”; and
- (b) omitting “peninsula (at 41°14.5’S and 174°01.4’E)” and substituting “peninsula (at 41°14.42’S and 174°01.47’E)”.

18 Taking of shellfish and kina prohibited in certain parts of Queen Charlotte Sound

(1) Regulation 9A(1) is amended by—

- (a) omitting “Ngakuta Bay (at 41°08.5’S and 174°21.5’E)” and substituting “Ngakuta Bay (at 41°08.50’S and 174°21.50’E)”; and
- (b) omitting “shore (at 41°08.5’S and 174°22.4’E)” and substituting “shore (at 41°08.50’S and 174°22.40’E)”.

(2) Regulation 9A(2) is amended by—

- (a) omitting “Opani-Aputa Point (at 41°04.7’S and 173°58.5’E)” and substituting “Opani-Aputa Point (at 41°04.70’S and 173°58.50’E)”; and
- (b) omitting “Whakamawahi Point (at 41°03.5’S and 173°58.5’E)” and substituting “Whakamawahi Point (at 41°03.35’S and 173°58.34’E)”.

19 Fishing restrictions in Separation Point Fisheries Area

Regulation 10 is amended by—

- (a) omitting “point at 40°49’S and 173°01’E” and substituting “point at 40°49.00’S and 173°01.00’E”; and
- (b) omitting “point at 40°47.7’S and 173°07.7’E” and substituting “point at 40°47.70’S and 173°07.70’E”; and
- (c) omitting “Separation Point light (at 40°47’S and 172°59.5’E)” and substituting “Separation Point light (at 40°47.00’S and 172°59.90’E)”; and
- (d) omitting “point at 40°41’S and 172°59.5’E” and substituting “point at 40°41.00’S and 172°59.50’E”; and
- (e) omitting “point at 40°47.4’S and 172°57.3’E” and substituting “point at 40°47.40’S and 172°57.30’E”.

20 Fishing in Tasman Bay and Golden Bay

Regulation 11 is amended by—

- (a) omitting “Farewell Spit light (at 40°32.9’S and 173°00.6’E) to Cape Stephens (at 40°41.6’S and 173°57’E)” and substituting “Farewell Spit Lighthouse (at 40°32.70’S and 173°00.50’E) to Cape Stephens (at 40°41.57’S and 173°57.21’E)”; and
- (b) omitting “Sauvage Point (at 40°56.7’S and 173°46.3’E)” and substituting “Sauvage Point (at 40°56.47’S and 173°46.32’E)”; and
- (c) omitting “Okuri Point light (at 40°58.7’S and 173°45.7’E)” and substituting “Okuri Point light (at 40°58.70’S and 173°45.70’E)”; and
- (d) omitting “Pepin Island (at 41°8.5’S and 173°24.8’E)” and substituting “Pepin Island (at 41°08.50’S and 173°24.80’E)”; and
- (e) omitting “Adele Island (at 40°58.7’S and 173°04.2’E)” and substituting “Adele Island (at 40°58.58’S and 173°04.11’E)”; and
- (f) omitting “northernmost point of Adele Island (at 40°58.5’S and 173°03.5’E)” and substituting “northernmost point of Adele Island (at 40°58.50’S and 173°03.50’E)”; and
- (g) omitting “mainland (at 40°58.5’S and 173°02.9’E)” and substituting “mainland (at 40°58.43’S and 173°02.88’E)”.

21 Conditions for taking oysters

(1) Regulation 12(1)(d) is amended by—

- (a) omitting “Foul Point (at 40°54.4’S and 173°03.8’E) to Adolphe Point (at 40°57.8’S and 173°04.2’E)” and substituting “Foul Point (at 40°54.40’S and 173°03.80’E) to Adolphe Point (at 40°57.80’S and 173°04.20’E)”; and
- (b) omitting “Jules Point (at 40°58.7’S and 173°04.2’E)” and substituting “Jules Point (at 40°58.58’S and 173°04.11’E)”; and
- (c) omitting “Adele Island (at 40°59.3’S and 173°03.5’E)” and substituting “Adele Island (at 40°59.15’S and 173°03.46’E)”; and

- (d) omitting “Fishermens Island (at 40°59.7’S and 173°03.2’E) to Guilbert Point (at 40°59.5’S and 173°02.2’E)” and substituting “Fishermens Island (at 40°59.62’S and 173°03.14’E) to Guilbert Point (at 40°59.33’S and 173°02.15’E)”.
- (2) Regulation 12(2) is amended by—
 - (a) omitting “Kahurangi Point (at 40°46.7’S and 172°13.2’E)” and substituting “Kahurangi Point (at 40°46.70’S and 172°13.20’E)”; and
 - (b) omitting “Cape Campbell (at 41°43.8’S and 174°16.6’E)” and substituting “Cape Campbell (at 41°43.80’S and 174°16.60’E)”.

22 Conditions and restrictions relating to scallops

- (1) Regulation 12A(2) is amended by—
 - (a) omitting “Foul Point (at 40°54.4’S and 173°03.8’E) to Adolphe Point (at 40°57.8’S and 173°04.2’E) to Jules Point (at 40°58.7’S and 173°04.2’E)” and substituting “Foul Point (at 40°54.40’S and 173°03.80’E) to Adolphe Point (at 40°57.65’S and 173°04.07’E) to Jules Point (at 40°58.58’S and 173°04.11’E)”; and
 - (b) omitting “Adele Island (at 40°59.3’S and 173°03.5’E)” and substituting “Adele Island (at 40°59.15’S and 173°03.46’E)”; and
 - (c) omitting “Fishermens Island (at 40°59.7’S and 173°03.2’E) to Guilbert Point (at 40°59.5’S and 173°02.2’E)” and substituting “Fishermens Island (at 40°59.62’S and 173°03.14’E) to Guilbert Point (at 40°59.33’S and 173°02.15’E)”.
- (2) Regulation 12A(3)(a) is amended by—
 - (a) omitting “Sheep Point (at 41°01.2’S and 173°48.8’E) to Camel Point (at 41°02’S and 173°48.6’E)” and substituting “Sheep Point (at 41°01.07’S and 173°48.84’E) to Camel Point (at 41°01.91’S and 173°48.60’E)”; and
 - (b) omitting “Cregoe Point (at 41°03.3’S and 173°49.9’E)” and substituting “Cregoe Point (at 41°03.20’S and 173°49.90’E)”.
- (3) Regulation 12A(3)(b) is amended by—

- (a) omitting “Okahu Bay (at 41°13.5’S and 174°06.7’E)” and substituting “Okahu Bay (at 41°13.35’S and 174°06.71’E)”; and
 - (b) omitting “Kahikatea Bay (at 41°14.3’S and 174°06.8’E)” and substituting “Kahikatea Bay (at 41°14.30’S and 174°06.80’E)”.
- (4) Regulation 12A(3)(c) is amended by omitting “Ngakuta Bay (at 41°08.5’S and 174°21.5’E)” and substituting “Ngakuta Bay (at 41°08.32’S and 174°21.52’E)”.
- (5) Regulation 12A(3)(d) is amended by—
- (a) omitting “Schnapper Point (at 41°12.2’S and 173°56.9’E)” and substituting “Schnapper Point (at 41°12.20’S and 173°56.90’E)”; and
 - (b) omitting “St Omer Bay (at 41°11.4’S and 173°58.1’E)” and substituting “St Omer Bay (at 41°11.40’S and 173°58.10’E)”.
- (6) Regulation 12A(3)(e) is amended by omitting “bay (at 41°08.8’S and 173°50.3’E) to a point on the shore at the side of the mouth of the bay (at 41°09.4’S and 173°50.9’E)” and substituting “bay (at 41°08.66’S and 173°50.14’E) to a point on the shore at the side of the mouth of the bay (at 41°09.25’S and 173°50.77’E)”.

23 Taking mussels

- (1) Regulation 14(1) is amended by omitting “Pihaka Point (at 41°13.9’S and 174°02.4’E) to Karaka Point (at 41°15.3’S and 174°03.9’E)” and substituting “Pihaka Point (at 41°13.75’S and 174°02.39’E) to Karaka Point (at 41°15.14’S and 174°03.87’E)”.
- (2) Regulation 14(2) is amended by—
- (a) omitting “Cape Jackson (at 40°59.8’S and 174°18.9’E) to Cape Koamaru (at 41°05.5’S and 174°23’E)” and substituting “Cape Jackson (at 40°59.70’S and 174°18.80’E) to Cape Koamaru (at 41°05.50’S and 174°23.00’E)”; and
 - (b) omitting “East Head (at 41°12.8’S and 174°19.4’E) to West Head (at 41°12.9’S and 174°18.9’E)” and substituting “East Head (at 41°12.60’S and 174°19.40’E) to West Head (at 41°12.79’S and 174°18.93’E)”.

24 Taking of eels in Pelorus River prohibited

Regulation 14J(2) is amended by—

- (a) omitting “Wakamarina River (at 41°17'17.6”S and 173°40'18.5”E)” and substituting “Wakamarina River (at 41°17'10.00”S and 173°42'05.30”E)”;
- (b) omitting “Pelorus River (at 41°17'10.0”S and 173°42'05.3”E)” and substituting “Pelorus River (at 41°17'17.60”S and 173°40'18.50”E)”.

25 Offences

Regulation 15(2) is amended by—

- (a) omitting “2BA” and substituting “2BD”; and
- (b) inserting “4, ” after “2C to 3A,”.

Rebecca Kitteridge,
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 1 October 2008, amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

The amendments—

- correct or update the co-ordinates describing certain areas in which fishing restrictions apply under the principal regulations; and
- introduce new measures that prohibit the use of trawl nets and set nets, with the exception of flatfish set nets during a specified period, in certain defined areas in order to avoid, remedy, or mitigate the effects of fishing-related mortality on Hector’s and Maui’s dolphins; and
- make it an offence to act in contravention of, or fail to comply with, the new measures; and

- make changes to the principal regulations that are consequential upon the introduction of the new measures.

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These regulations are administered by the Ministry of Fisheries.
