



Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 20th day of October 2008

Present:

The Right Hon Helen Clark presiding 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.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations amended	2
4	Set net fishing prohibited in certain areas from Clarence Point to Cape Jackson	2
5	Set net fishing prohibited in certain areas from Farewell Spit Lighthouse to Awarua Point	3
6	Finfishing prohibited in inner Queen Charlotte Sound	4
7	Certain fishing prohibited in inner Pelorus Sound	4
8	Drag netting prohibited in Queen Charlotte Sound	4

**Fisheries (Challenger Area Commercial
Fishing) Amendment Regulations
(No 2) 2008**

r 1

2008/405

9	Trawling prohibited in certain areas from Clarence Point to Cape Jackson	4
10	Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound	5
11	Conditions for taking oysters	5
12	Taking mussels	5
13	Offences	6

Regulations

1 Title

These regulations are the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2008.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

4 Set net fishing prohibited in certain areas from Clarence Point to Cape Jackson

(1) Regulation 2BC(1) is amended by revoking paragraphs (b) and (c) and substituting the following paragraphs:

“(b) then proceeds due east 4 nautical miles to a point on the Challenger Fisheries Management Area boundary (at 42°10.00’S and 174°01.74’E); and

“(c) then proceeds in a northerly direction in a line 4 nautical miles from the mean high-water mark to a point on the Challenger Fisheries Management Area boundary (at 41°11.37’S and 174°27.76’E); and”.

(2) Regulation 2BC(1) is amended by revoking paragraph (e) and substituting the following paragraph:

“(e) then proceeds in a line 4 nautical miles from the mean high-water mark to a point 4 nautical miles due north of Cape Jackson light (at 40°55.62’S and 174°18.80’E); and”.

5 Set net fishing prohibited in certain areas from Farewell Spit Lighthouse to Awarua Point

- (1) Regulation 2BD(1) is amended by omitting “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” and substituting “must not, during the period commencing on 1 December in each year and ending on 28 February in the next year (both days inclusive), use a set net for fishing in the waters lying within an area bounded by”.
- (2) Regulation 2BD(1) is amended by revoking paragraphs (j) to (n) and substituting the following paragraphs:
 - “(j) then follows a line in a generally southerly direction by the mean high-water mark to the Buller River east bank (at 41°43.93’S and 171°35.62’E); and
 - “(k) then proceeds in a straight line to the Buller River west bank (at 41°43.93’S and 171°35.17’E); and
 - “(l) then follows a line in a generally southerly direction by the mean high-water mark to the east bank of the Waitakere/Nile River (at 41°53.81’S and 171°26.71’E); and
 - “(m) then proceeds in a straight line to the Waitakere/Nile River west bank (at 41°53.81’S and 171°26.62’E); and
 - “(n) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Grey River (at 42°26.32’S and 171°11.49’E); and”.
- (3) Regulation 2BD(1) is amended by revoking paragraphs (p) and (q) and substituting the following paragraphs:
 - “(p) then follows a line in a generally southerly direction by the mean high-water mark to the north bank 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 bank of the Hokitika River (at 42°43.31’S and 170°56.91’E); and”.
- (4) Regulation 2BD(1) is amended by revoking paragraph (t) and substituting the following paragraphs:
 - “(t) then follows a line in a generally southerly direction by the mean high-water mark to the westernmost point of Awarua Point (at 44°15.60’S and 168°03.10’E); and

- “(u) then proceeds due west 2 nautical miles to a point on the Challenger Fisheries Management Area boundary (at 44°15.60’S and 168°00.26’E); and
- “(v) then proceeds in a northerly direction in a line 2 nautical miles from the mean high-water mark to a point 2 nautical miles north of Farewell Spit Lighthouse (at 40°30.26’S and 173°00.50’E); and
- “(w) then proceeds due south to Farewell Spit Lighthouse to the point of commencement (at 40°32.70’S and 173°00.50’E).”

6 Finfishing prohibited in inner Queen Charlotte Sound

Regulation 2C is amended by inserting the following subclause after subclause (2):

- “(2A) Subclause (2) applies despite regulation 2BC.”

7 Certain fishing prohibited in inner Pelorus Sound

Regulation 2E(6) is amended by omitting “Koutuwai Point (at 41°12.65’S and 173°52.30’E)” and substituting “Koutuwai Point (at 41°12.53’S and 173°52.38’E)”.

8 Drag netting prohibited in Queen Charlotte Sound

Regulation 3(1) is amended by omitting “Cape Koamaru (at 41°05.50’S and 174°23’E)” and substituting “Cape Koamaru (at 41°05.50’S and 174°23.00’E)”.

9 Trawling prohibited in certain areas from Clarence Point to Cape Jackson

- (1) Regulation 4(1) is amended by omitting “trawl” and substituting “use a trawl net for fishing”.
- (2) Regulation 4(1) is amended by revoking paragraphs (c) and (d) and substituting the following paragraphs:
 - “(c) then proceeds in a northerly direction 2 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°05.50’S and 174°23.00’E); and”.

- (3) Regulation 4(1) is amended by revoking paragraphs (i) to (m) and substituting the following paragraph:
- “(i) then proceeds south along the line of the mean high-water mark to the point of commencement at Clarence Point (at 42°10.00’S and 173°56.00’E).”
- (4) Regulation 4 is amended by inserting the following subclause after subclause (1):
- “(1A) A commercial fisher must not use a trawl net for fishing in the waters lying within an area bounded by a line that—
- “(a) extends from Cape Jackson light (at 40°59.70’S and 174°18.80’E); and
- “(b) 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
- “(c) then proceeds in an easterly direction 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
- “(d) then proceeds in a line north-west to the point of commencement at Cape Jackson light (at 40°59.70’S and 174°18.80’E).”

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

Regulation 7(1) is amended by omitting “Cape Koamaru (at 41°05.50’S and 174°23’E)” and substituting “Cape Koamaru (at 41°05.50’S and 174°23.00’E)”.

11 Conditions for taking oysters

Regulation 12(1)(d) is amended by omitting “Adolphe Point (at 40°57.80’S and 173°04.20’E)” and substituting “Adolphe Point (at 40°57.65’S and 173°04.07’E)”.

12 Taking mussels

Regulation 14(2) is amended by omitting “West Head (at 41°12.79’S and 174°18.93’E)” and substituting “West Head (at 41°12.79’S and 174°18.92’E)”.

13 Offences

Regulation 15(2) is amended by omitting “2BD” and substituting “2BA, 2BC, 2BD”.

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 the 28th day after the date of their notification in the *Gazette*, make minor technical amendments to the Fisheries (Challenger Area Commercial Fishing) Regulations 1986. The amendments are intended to give better effect to the amendments that were recently made to the principal regulations by the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2008, which introduced new measures for the protection of Hector’s and Maui’s dolphins.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 October 2008.
These regulations are administered by the Ministry of Fisheries.
