



Fisheries (South-East Area Commercial Fishing) Amendment Regulations (No 3) 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.

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Regulations

1 Title

These regulations are the Fisheries (South-East Area Commercial Fishing) Amendment Regulations (No 3) 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 (South-East Area Commercial Fishing) Regulations 1986.

4 New regulation 5AAA substituted

Regulation 5AAA is revoked and the following regulation substituted:

**“5AAA Trawl net fishing prohibited in certain area from
Clarence Point to Slope Point**

“(1) A commercial fisher must not use a trawl net for fishing in the waters lying within an area bounded by a line that—

“(1) commences from Clarence Point (at 42°10.00’S and 173°56.00’E); and

“(2) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Waiau River mouth (at 42°45.81’S and 173°23.03’E); and

“(3) then proceeds in a straight line to the south bank of the Waiau River mouth (at 42°47.08’S and 173°22.33’E); and

“(4) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Hurunui River mouth (at 42°54.07’S and 173°17.67’E); and

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- “(5) then proceeds in a straight line to the south bank of the Hurunui River mouth (at 42°54.75’S and 173°16.82’E); and
- “(6) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Waimakariri River mouth (at 43°23.29’S and 172°42.54’E); and
- “(7) then proceeds in a straight line to the south bank of the Waimakariri River mouth (at 43°23.50’S and 172°42.54’E); and
- “(8) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Waitaki River mouth (at 44°55.50’S and 171°09.00’E); and
- “(9) then proceeds in a straight line to the south bank of the Waitaki River mouth (at 44°57.60’S and 171°07.70’E); and
- “(10) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Shag River north head (at 45°28.72’S and 170°49.01’E); and
- “(11) then proceeds in a straight line to the Shag River south head (at 45°28.83’S and 170°49.03’E); and
- “(12) then follows a line in a generally southerly direction by the mean high-water mark to the Pleasant River north head (at 45°34.00’S and 170°43.67’E); and
- “(13) then proceeds in a straight line to the Pleasant River south head (at 45°34.20’S and 170°43.67’E); and
- “(14) then follows a line in a generally southerly direction by the mean high-water mark to the north head of the Waikouaiti River (at 45°38.39’S and 170°39.71’E); and
- “(15) then proceeds in a straight line to the south head of the Waikouaiti River (at 45°38.48’S and 170°39.71’E); and
- “(16) then follows a line in a generally southerly direction by the mean high-water mark to Warrington Spit, Blueskin Bay (at 45°43.73’S and 170°36.00’E); and
- “(17) then proceeds in a straight line to the south head of Blueskin Bay (at 45°44.00’S and 170°36.00’E); and
- “(18) then follows a line in a generally southerly direction by the mean high-water mark to the north-eastern

- end of the Otago Harbour mole (at 45°46.24'S and 170°43.20'E); and
- “(19) then proceeds in a straight line to the southernmost point of the north bank of Taiaroa Head (at 45°46.35'S and 170°43.70'E); and
- “(20) then follows a line in a generally southerly direction by the mean high-water mark to the northern head of Papanui Inlet (at 45°50.60'S and 170°43.82'E); and
- “(21) then proceeds in a straight line to the southern head of Papanui Inlet (at 45°50.88'S and 170°43.82'E); and
- “(22) then follows a line in a generally southerly direction by the mean high-water mark to the east side of Hoopers Inlet (at 45°52.78'S and 170°40.92'E); and
- “(23) then proceeds in a straight line to the west side of Hoopers Inlet (at 45°52.87'S and 170°40.65'E); and
- “(24) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Taieri River (at 46°03.08'S and 170°11.92'E); and
- “(25) then proceeds in a straight line to the Taieri River south bank (at 46°03.37'S and 170°11.92'E); and
- “(26) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Catlins Lake (at 46°28.67'S and 169°43.13'E); and
- “(27) then proceeds in a straight line to the south bank of Catlins Lake (at 46°29.18'S and 169°43.13'E); and
- “(28) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Fleming River (at 46°35.88'S and 169°25.57'E); and
- “(29) then proceeds in a straight line to the southern bank of the Fleming River (at 46°36.03'S and 169°25.82'E); and
- “(30) then follows a line in a generally southerly direction by the mean high-water mark to the north bank of the Waipati River mouth (at 46°37.13'S and 169°21.23'E); and
- “(31) then proceeds in a straight line to the southern bank of the Waipati River mouth (at 46°37.29'S and 169°21.23'E); and

- “(32) then follows a line in a generally southerly direction by the mean high-water mark to the east head of Waikawa Harbour (at 46°38.09’S and 169°09.05’E); and
- “(33) then proceeds in a straight line to the west head of Waikawa Harbour (at 46°38.41’S and 169°08.31’E); and
- “(34) then follows a line in a generally southerly direction by the mean high-water mark to the eastern side of Haldane Estuary (at 46°39.52’S and 169°02.37’E); and
- “(35) then proceeds in a straight line to the western side of Haldane Estuary (at 46°39.78’S and 169°01.43’E); and
- “(36) then follows a line in a generally southerly direction by the mean high-water mark to Slope Point (at 46°40.50’S and 169°00.00’E); and
- “(37) then proceeds for 2 nautical miles in a south-easterly direction to a point on the South-East Fishery Management Area boundary (at 46°42.32’S and 169°01.68’E); and
- “(38) then proceeds in a generally northerly direction at a distance of 2 nautical miles from the mean high-water mark to a point on the South-East Fishery Management Area boundary, 2 nautical miles east of Clarence Point (at 42°10.00’S and 173°59.06’E); and
- “(39) then proceeds west to the point of commencement at 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 co-ordinates are provided.
- “(3) This regulation is subject to regulation 5AAB.”

5 New regulation 5AAC substituted

Regulation 5AAC is revoked and the following regulation substituted:

“5AAC Set net fishing prohibited in certain area from Clarence Point to Slope Point

- “(1) A commercial fisher must not use a set net for fishing in the waters lying within an area bounded by a line that—
- “(1) extends from Clarence Point (at 42°10.00’S and 173°56.00’E); and
 - “(2) then proceeds in a southerly direction by the mean high-water mark to the north bank of the Waiau River mouth (at 42°45.81’S and 173°23.03’E); and
 - “(3) then proceeds in a straight line to the south bank of the Waiau River mouth (at 42°47.08’S and 173°22.33’E); and
 - “(4) then proceeds in a southerly direction by the mean high-water mark to the north bank of the Hurunui River mouth (at 42°54.07’S and 173°17.67’E); and
 - “(5) then proceeds in a straight line to the south bank of the Hurunui River mouth (at 42°54.75’S and 173°16.82’E); and
 - “(6) then proceeds in a southerly direction by the mean high-water mark to the north bank of the Ashley River (at 43°14.68’S and 172°44.10’E); and
 - “(7) then proceeds in a straight line to the south bank of the Ashley River (at 43°16.65’S and 172°43.41’E); and
 - “(8) then follows in a southerly direction by the mean high-water mark to the north bank of the Waimakariri River mouth (at 43°23.29’S and 172°42.54’E); and
 - “(9) then proceeds in a straight line to the south bank of the Waimakariri River mouth (at 43°23.50’S and 172°42.54’E); and
 - “(10) then follows in a southerly direction by the mean high-water mark to the north bank of the Waitaki River mouth (at 44°55.50’S and 171°09.00’E); and
 - “(11) then proceeds in a straight line to the south bank of the Waitaki River mouth (at 44°57.60’S and 171°07.70’E); and
 - “(12) then proceeds in a southerly direction by the mean high-water mark to the north head of the Shag River (at 45°28.72’S and 170°49.01’E); and

- “(13) then follows a straight line to the south head of the Shag River (at 45°28.83’S and 170°49.03’E); and
- “(14) then proceeds in a southerly direction by the mean high-water mark to the north head of the Pleasant River (at 45°34.00’S and 170°43.67’E); and
- “(15) then proceeds in a straight line to the south head of the Pleasant River (at 45°34.20’S and 170°43.67’E); and
- “(16) then proceeds in a southerly direction by the mean high-water mark to the north head of the Waikouaiti River (at 45°38.39’S and 170°39.71’E); and
- “(17) then proceeds in a straight line to the south head of the Waikouaiti River (at 45°38.48’S and 170°39.71’E); and
- “(18) then proceeds in a southerly direction by the mean high-water mark to Warrington Spit, Blueskin Bay (at 45°43.73’S and 170°36.00’E); and
- “(19) then proceeds in a straight line to the south head of Blueskin Bay (at 45°44.00’S and 170°36.00’E); and
- “(20) then proceeds in a southerly direction by the mean high-water mark to the west head of Purakaunui Inlet (at 45°44.06’S and 170°37.05’E); and
- “(21) then proceeds in a straight line to the east head of Purakaunui Inlet (at 45°44.06’S and 170°37.72’E); and
- “(22) then proceeds in a southerly direction along the mean high-water mark to the north-eastern end of the Otago Harbour mole (at 45°46.24’S and 170°43.20’E); and
- “(23) then proceeds in a straight line to a point (at 45°46.32’S and 170°43.54’E); and
- “(24) then proceeds in a south-westerly direction to a point (at 45°46.43’S and 170°43.21’E); and
- “(25) then proceeds due south to a point (at 45°47.10’S and 170°43.21’E); and
- “(26) then proceeds due east to Harrington Point (at 45°47.10’S and 170°43.51’E); and
- “(27) then proceeds in a southerly direction by the mean high-water mark to the northern head of Papanui Inlet (at 45°50.60’S and 170°43.82’E); and
- “(28) then proceeds in a straight line to the southern head of Papanui Inlet (at 45°50.88’S and 170°43.82’E); and

- “(29) then proceeds in a southerly direction along the mean high-water mark to the east head of Hoopers Inlet (at 45°52.78’S and 170°40.92’E); and
- “(30) then proceeds in a straight line to the west head of Hoopers Inlet (at 45°52.87’S and 170°40.65’E); and
- “(31) then proceeds in a southerly direction by the mean high-water mark to the Taieri River north bank (at 46°03.08’S and 170°11.92’E); and
- “(32) then proceeds in a straight line to the Taieri River south bank (at 46°03.37’S and 170°11.92’E); and
- “(33) then follows a line in a generally southerly direction by the mean high-water mark to the northern bank of Catlins Lake (at 46°28.67’S and 169°43.13’E); and
- “(34) then proceeds in a straight line to the south bank of Catlins Lake (at 46°29.18’S and 169°43.13’E); and
- “(35) then proceeds in a southerly direction by the mean high-water mark to the northern bank of the Fleming River (at 46°35.88’S and 169°25.57’E); and
- “(36) then proceeds in a straight line to the southern bank of the Fleming River (at 46°36.03’S and 169°25.82’E); and
- “(37) then proceeds in a southerly direction by the mean high-water mark to the northern bank of the Waipati River mouth (at 46°37.13’S and 169°21.23’E); and
- “(38) then proceeds in a straight line to the southern bank of the Waipati River mouth (at 46°37.29’S and 169°21.23’E); and
- “(39) then proceeds in a southerly direction by the mean high-water mark to the east head of Waikawa Harbour (at 46°38.09’S and 169°09.05’E); and
- “(40) then proceeds in a straight line to the west head of Waikawa Harbour (at 46°38.41’S and 169°08.31’E); and
- “(41) then proceeds in a southerly direction by the mean high-water mark to the eastern side of the Haldane Estuary (at 46°39.52’S and 169°02.37’E); and
- “(42) then proceeds in a straight line to the western side of Haldane Estuary (at 46°39.78’S and 169°01.43’E); and
- “(43) then proceeds in a southerly direction by the mean high-water mark to Slope Point (at 46°40.50’S and 169°00.00’E); and

- “(44) then proceeds 4 nautical miles in a south-easterly direction along the South-East Fishery Management Area boundary to a point (at 46°44.36’S and 169°03.57’E); and
 - “(45) then proceeds in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 42°42.00’S and 173°31.12’E); and
 - “(46) then proceeds in a northerly direction to a point (at 42°29.02’S and 173°33.50’E); and
 - “(47) then proceeds in a north-easterly direction to a point (at 42°26.49’S and 173°37.28’E); and
 - “(48) then proceeds in a south-easterly direction to a point (at 42°27.56’S and 173°44.10’E); and
 - “(49) then proceeds in a straight line to a point 4 nautical miles east of Clarence Point (at 42°10.00’S and 174°01.74’E); and
 - “(50) then proceeds due west to the point of commencement at 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 co-ordinates are provided.
- “(3) This regulation is subject to regulation 5AAD.”

6 Exemption from prohibition in regulation 5AAC

- (1) Regulation 5AAD(1) is amended by inserting “(both days inclusive)” after “30 September in that year”.
- (2) Regulation 5AAD(2)(b) is amended by inserting “along the mean high-water mark of Quail Island” after “south-easterly direction”.

7 Offences

- Regulation 12(1) is amended by omitting “5AAD,”.

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 (South-East 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 (South-East Area Commercial Fishing) Amendment Regulations (No 2) 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.
