



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of September 1986

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | |
|---|---|
| <ul style="list-style-type: none">1. Title and commencement2. Interpretation3. Drag netting prohibited in Queen Charlotte Sound4. Drag netting restricted in Pelorus Sound5. Trawling prohibited at certain times in Golden Bay6. Trawling and dredging prohibited in research areas in Golden Bay7. Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound | <ul style="list-style-type: none">8. Pair trawling restricted in Tasman Bay9. Fishing prohibited in Double Cove, Queen Charlotte Sound10. Fishing restrictions in Separation Point Fisheries Area11. Fishing in Tasman Bay and Golden Bay12. Conditions for taking scallops and oysters13. Scallop quotas14. Taking mussels15. Offences16. Revocation |
|---|---|
-

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Cod-end” means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

(a) Carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:

(b) Carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:

(c) Carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:

(d) Carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:

(e) Carried on a vessel 40 m or more overall length, not less than the last 20 m of net:

“Commercial fisherman” means any person who has a fishing permit issued under section 63 of the Fisheries Act 1983 entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—

(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and

(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:

“Danish seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters or through any waters to one or more vessels:

“Danish seining” means using a Danish seine net:

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

“Drag net” or “beach seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:

- “Dredge” means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring dredge:
- “Hand-gathering” includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus:
- “Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):
- “Net” includes any net capable of being used to take fish; but does not include a whitebait net:
- “Otter board” means any device, including a paravane, used or capable of being used to keep a net or a trawl net open:
- “Overall length” means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:
- “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:
- “Pair trawling” means using a trawl net that is towed or hauled through the water by more than one vessel:
- “Scallop” means the mollusc *Pecten novaenzelandiae*:
- “Set net” includes a gill net, drift net, trammel net, or any other sort of net not otherwise defined in this notice which acts by enmeshing, entrapping, or entangling any fish:
- “Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:
- “Surrounding net” includes a drag net, Danish seine net, drum seine net, purse seine net, lampara net, and all modes of fishing whereby fish are encircled:
- “Trawl net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—
- (a) Has a buoyancy system on the top edge; and
 - (b) Is weighted on the bottom edge; and
 - (c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—
- but does not include a Danish seine net.
- “Whitebait net” means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait.

3. Drag netting prohibited in Queen Charlotte Sound—(1) No commercial fisherman shall take any snapper using a drag net, and no commercial fisherman shall possess or convey any snapper taken by the use of a drag net at any time in the Queen Charlotte Sound, being those waters inside lines drawn from 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 from 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).

(2) Nothing in subclause (1) of this regulation shall apply to the taking of fish, or the possession of fish taken, using a drag net with a combined warp length not exceeding 200 m if the drag net is used only for the purpose of taking fish for bait.

4. Drag netting restricted in Pelorus Sound—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall use a drag net at any time in Pelorus Sound, being those waters lying inside straight lines drawn from Turn Point Light (at 41°08.7'S and 173°52'E) to Penguin Bay Reef (at 41°08.1'S and 173°51.1'E); and from Sheep Point (at 41°01.2'S and 173°48.8'E) to Camel Point (at 41°02'S and 173°48.6'E) to Cregoe Point (at 41°03.3'S and 173°49.9'E) unless—

- (a) The combined warp length does not exceed 200 m; and
- (b) The net does not contain a bag or cod-end; and
- (c) The length of the net does not exceed 165 m; and
- (d) Any snapper taken is immediately returned to the water from which it was taken.

(2) Notwithstanding regulation 44 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulation made pursuant to the Fisheries Act 1983 relating to drag netting, any commercial fisherman may use a drag net in conjunction with a mechanical device or vessel propelled by any means in those waters of Pelorus Sound lying outside straight lines drawn from Sheep Point (at 41°01.2'S and 173°48.8'E) to Camel Point (at 41°02'S and 173°48.6'E) to Cregoe Point (at 41°03.3'S and 173°49.9'E), and from Turn Point Light (at 41°08.7'S and 173°52'E) to Penguin Bay Reef (at 41°08.1'S and 173°51.1'E), but lying inside a straight line from 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), if—

- (a) The combined warp length does not exceed 660 m; and
- (b) The net does not contain a cod-end or bag; and
- (c) The length of the net does not exceed 165 m.

5. Trawling prohibited at certain times in Golden Bay—No commercial fisherman shall use a trawl net at any time during the period commencing with the 1st day of November in any year and expiring with the 30th day of April in the following year in Golden Bay inside straight lines drawn from Pakawau Bridge (at 40°35.2'S and 172°41.1'E) to the southernmost point of the southernmost island of the Tata Islands (at 40°48.4'S and 172°54.6'E); then in a straight line to the boat ramp at Tata Beach (at 40°48.7'S and 172°54.8'E).

6. Trawling and dredging prohibited in research areas in Golden Bay—(1) In addition to the prohibition in regulation 5 of these regulations, no commercial fisherman shall use a trawl net or dredge at any time during the period commencing with the commencement of these regulations and expiring with the close of the 27th day of November 1986 in those waters of Golden Bay enclosed by straight lines drawn from the point 40°43.5'S and 172°45.9'E to the point 40°44'S and 172°46.2'E; then to the point 40°44.5'S and 172°45.6'E; then to the point 40°43.8'S and 172°45.3'E; then to the point of commencement.

*S.R. 1986/215

(2) In addition to the prohibition in regulation 5 of these regulations, no commercial fisherman shall use a trawl net or dredge at any time during the period commencing with the commencement of these regulations and expiring with the 31st day of August 1987 in those waters of Golden Bay enclosed by straight lines drawn from the point 40°42.8'S and 172°45.5'E to the point 40°43.2'S and 172°44.9'E; then to the point 40°43.6'S and 172°45.3'E; then to the point 40°43.3'S and 172°45.9'E; then to the point of commencement.

(3) In addition to the prohibition in regulation 5 of these regulations, no commercial fisherman shall use a trawl net or dredge at any time during the period commencing with the commencement of these regulations and expiring with the 1st day of September 1988 in those waters of Golden Bay enclosed by straight lines drawn from the point 40°41.8'S and 172°47.9'E to the point 40°42.1'S and 172°47.1'E; then to the point 40°42.5'S and 172°47.5'E; then to the point 40°42.3'S and 172°48.2'E; then to the point of commencement.

7. Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall use a trawl net at any time in those waters of Pelorus Sound and Queen Charlotte Sound lying inside straight lines drawn from 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) to Cape Koamaru (at 41°05.5'S and 174°23'E); and from 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).

(2) Any commercial fisherman may use a trawl net in those waters lying inside a straight line drawn from 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); but outside straight lines drawn from Cregoe Point (at 41°03.3'S and 173°49.9'E) to Camel Point (at 41°02'S and 173°48.6'E) to Sheep Point (at 41°01.2'S and 173°48.8'E); and outside a straight line drawn from Turn Point Light (at 41°08.7'S and 173°52'E) to Penguin Bay Reef (at 41°08.1'S and 173°51.1'E), during the period commencing with the 1st day of April in any year and expiring with the 31st day of August in the same year, if—

- (a) The mesh size in any part of the trawl net is not less than 108 mm; and
- (b) Pair trawling is not carried out; and
- (c) The headline of the trawl net does not exceed 9 m in length; and
- (d) The combined length of the extension and bridles between the wing of the net and the otter board does not exceed 45 m.

8. Pair trawling restricted in Tasman Bay—No commercial fisherman shall use a pair trawl net with a cod-end mesh size of less than 125 mm within those waters of Tasman Bay lying inside a straight line drawn from the northwesternmost point of Pepin Island (at 41°08.5'S and 173°24.8'E) to the easternmost extremity of Adele Island (at 40°58.7'S and 173°04.2'E); then by the mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.6'S and 173°03.5'E); then to the nearest part of the mainland (at 40°58.5'S and 173°02.9'E), during the period commencing with the 1st day of October in any year and expiring with the last day of February in the following year.

9. Fishing prohibited in Double Cove, Queen Charlotte Sound—No commercial fisherman shall take any fish from those waters of Queen Charlotte Sound lying inside a straight line drawn from Nohokouau Point (at 41°14.4'S and 174°00.5'E) to the southernmost point of the peninsula (at 41°14.5'S and 174°01.4'E) lying between Double Cove and Torea Bay.

10. Fishing restrictions in Separation Point Fisheries Area—No commercial fisherman shall use a trawl net, Danish seine net, or dredge in those waters of Golden Bay and Tasman Bay enclosed by a line drawn from a point at 40°49'S and 173°01'E on a true compass bearing of 076° to a point at 40°47.7'S and 173°07.7'E; then on an arc at a radius of 6 nautical miles from Separation Point Light (at 40°47'S and 172°59.5'E) to a point at 40°41'S and 172°59.5'E; then on a true compass bearing of 195° to a point at 40°47.4'S and 172°57.3'E; then along the line of the mean low-water mark to the point of commencement.

11. Fishing in Tasman Bay and Golden Bay—When more than 100 tonnes of snapper have been taken from that area of Tasman Bay and Golden Bay lying inside a straight line drawn from 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); then around the mean high-water mark to Sauvage Point (at 40°56.7'S and 173°46.3'E); then to Okuri Point Light (at 40°58.7'S and 173°45.7'E) at any time during the period commencing with the 1st day of October in any year and expiring with the last day of February in the following year, the Director-General shall give public notice of that fact in a newspaper circulating in the Nelson area and by such other means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman shall—

(a) Take any fish by pair trawling or Danish seining; or

(b) Take any fish using a surrounding net that is not a drag net—

in those waters of Tasman Bay lying inside a straight line drawn from the northwesternmost point of Pepin Island (at 41°8.5'S and 173°24.8'E) to the easternmost point of Adele Island (at 40°58.7'S and 173°04.2'E); then along the mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.5'S and 173°03.5'E); then to the nearest point of the mainland (at 40°58.5'S and 173°02.9'E).

12. Conditions for taking scallops and oysters—(1) For the purpose of taking scallops and oysters from within the prescribed area (as defined in subclause (2) of this regulation) the following conditions shall apply:

(a) Notwithstanding regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulation made pursuant to the Fisheries Act 1983 relating to shellfish dredge requirements, any commercial fisherman lawfully dredging for scallops or oysters may use not more than 2 dredges, and the bar or bit of any dredge used shall not exceed 2.5 m in length:

(b) No commercial fisherman shall dredge for scallops or oysters between sunset and sunrise:

(c) No commercial fisherman shall dredge for scallops on any Friday or Saturday:

- (d) No commercial fisherman shall dredge for scallops other than during the period commencing on the 31st day of August in any year and expiring with the 27th day of November in the same year:
- (e) No commercial fisherman shall use any dredge on which there is any tine:
- (f) No commercial fisherman shall take any scallop or oyster from those waters on the landward side of straight lines drawn from 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) on Adele Island; then along the mean high-water mark to the southeastern tip of Adele Island (at 40°59.3' S and 173°03.5' E) to the southeastern tip of 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):
- (g) No commercial fisherman shall dredge for scallops in those waters within 3 kilometres in any direction of the Nelson sewage discharge at sea (at 41°12.3' S and 173°19.4' E) off the Boulder Bank at Port Nelson.

(2) In subclause (1) of this regulation, the term "prescribed area" means those waters bounded by straight lines commencing at Kahurangi Point (at 40°46.7' S and 172°13.2' E) on the West Coast of the South Island and proceeding westerly along the 40°46.7' South parallel of latitude to its intersection with the 171°50' East meridian of longitude; then northerly along that meridian of longitude to its intersection with the 45°15' South parallel of latitude; then easterly along that parallel of latitude to its intersection with the 174°30' East meridian of longitude; then southerly along that meridian of longitude to its intersection with the 41°43.8' South parallel of latitude; then westerly along that parallel of latitude to Cape Campbell (at 41°43.8' S and 174°16.6' E) on the East Coast of the South Island; then generally northwesterly along the mean high-water mark of the sea to the point of commencement.

13. Scallop quotas—(1) No commercial fisherman shall take by dredging more than 8020 kilograms (meatweight) of scallops during the period specified in regulation 12 (1) (d) of these regulations from the prescribed area.

(2) No commercial fisherman shall take by dredging more than 800 kilograms (meatweight) of scallops during any week from the prescribed area.

(3) Where any commercial fisherman takes by dredging from the prescribed area more than 800 kilograms (meatweight) of scallops during any week but not more than 880 kilograms (meatweight) of scallops during that week, and the week is not the last week of the period specified in regulation 12 (1) (d) of these regulations, the commercial fisherman shall be deemed not to have acted in contravention of subclause (2) of this regulation if, in the next week, the commercial fisherman takes scallops that when combined with the scallops taken in the first week amount to not more than 1600 kilograms (meatweight) of scallops.

(4) Where any commercial fisherman takes by dredging from the prescribed area an amount of scallops that is less than 800 kilograms (meatweight), that commercial fisherman may take by dredging from that area during the next week 800 kilograms (meatweight) of scallops plus—

- (a) 80 kilograms (meatweight) of scallops; or
 - (b) The (meatweight) amount of scallops by which the fisherman was short of 800 kilograms in the previous week—
- whichever is the lesser.
- (5) For the purposes of this regulation—
 - (a) The expression “prescribed area” has the same meaning as in regulation 12 of these regulations:
 - (b) The expression “week” means a period of 7 days commencing with a Sunday.

14. Taking mussels—(1) No commercial fisherman shall take any mussels from those waters of Queen Charlotte Sound lying inside a straight line drawn from 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).

(2) No commercial fisherman shall take any mussels by any fishing method other than hand-gathering from those waters of Queen Charlotte Sound lying inside a straight line drawn from 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 those waters of Tory Channel lying inside a straight line drawn from 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).

15. Offences—(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 5 to 13 of these regulations.

(2) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who acts in contravention of, or fails to comply with, any of these regulations not referred to in subclause (1) of this regulation.

16. Revocation—The Fisheries (Nelson Commercial Fishing) Regulations 1985 (S.R. 1985/210) are hereby revoked.

P. G. MILLEN,
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 replace the Fisheries (Nelson Commercial Fishing) Regulations 1985. The principal changes are—

- Drag netting for bait is permitted in Queen Charlotte Sound:
- Trawling and dredging is prohibited in an additional part of Golden Bay as part of a scallop enhancement programme. The area concerned is defined in regulation 6 (2):
- Scallop quotas that were formerly imposed by conditions or permits are now specified in the regulations.

These regulations should be considered in conjunction with the Fisheries (Commercial Fishing) Regulations 1986 (S.R. 1986/215) which impose prohibitions and controls of nationwide application.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

These regulations are administered in the Ministry of Agriculture and Fisheries.