



**THE FISHERIES (CENTRAL AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 10**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of September 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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

1. Title and commencement
2. Trawling and Danish seining prohibited
3. Trawling by vessels over 43 m long prohibited in certain waters
4. New regulations inserted

- 7A. Set netting prohibited in shallow waters
- 7B. Set net soak time
- 7C. Set netting prohibited within 2 miles of Cape Runaway coast

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 10, and shall be read together with and deemed part of

the Fisheries (Central Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) Subject to subclause (3) of this clause, these regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

(3) Regulation 5 of these regulations shall come into force on 1 October 1996.

2. Trawling and Danish seining prohibited—Regulation 4 of the principal regulations is hereby amended by adding the following paragraph:

“(f) *Cape Runaway*: All those waters within an area defined by a line beginning at the mean high-water mark at Pitikirua Point (at approximately 37° 32.6’S and 178° 4.8’E); then proceeding in a straight line in a northerly direction to a position approximately 2 nautical miles from the point of commencement at 37° 30.6’S and 178° 4.8’E; then in a generally westerly direction by a line every point of which is 2 nautical miles from the mean high-water mark to a point approximately 2 nautical miles north of Cape Runaway (at 37° 30.3’S and 177° 59’E); then in a straight line in a southerly direction to the mean high-water mark at Cape Runaway (at approximately 37° 32.3’S and 177° 59’E); and then proceeding along the line of the mean high-water mark in a generally easterly direction to the point of commencement at Pitikirua Point (at approximately 37° 32.6’S and 178° 4.8’E).”

3. Trawling by vessels over 43 m long prohibited in certain waters—Regulation 6A (a) of the principal regulations (as inserted by regulation 2 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 1) is hereby amended by omitting the expression “173° 17’E”, and substituting the expression “175° 17’E”.

4. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 7, the following regulations:

“7A. **Set netting prohibited in shallow waters**—Notwithstanding anything in regulation 42 (4) of the Fisheries (Commercial Fishing) Regulations 1986, no commercial fisherman shall use or possess in the waters of the Central Fishery Management Area a set net having a total length exceeding 500 metres unless—

“(a) The net is set in waters 30 metres or more in depth, and no part of the upper surface of the net, when set, is 2 metres or less from the surface of the water; or

“(b) In any case where—

“(i) The net is set in waters less than 30 metres in depth; or

*1986/217

- Amendment No. 1: S.R. 1986/252
- Amendment No. 2: S.R. 1989/292
- Amendment No. 3: S.R. 1991/165
- Amendment No. 4: (*Revoked by S.R. 1993/173*)
- Amendment No. 5: S.R. 1993/173
- Amendment No. 6: S.R. 1993/280
- Amendment No. 7: S.R. 1994/184
- Amendment No. 8: S.R. 1995/232
- Amendment No. 9: S.R. 1996/21

“(ii) Any part of the upper surface of the net, when set, is 2 metres or less from the surface of the water—
the set net has surface floats attached to it at intervals of not more than 500 metres or part thereof.

“7B. **Set net soak time**—Notwithstanding anything in regulation 42A of the Fisheries (Commercial Fishing) Regulations 1986, no commercial fisherman shall leave any set net in the waters of the Central Fishery Management Area for more than 24 hours without underrunning the net and removing any fish that have been caught.

“7C. **Set netting prohibited within 2 miles of Cape Runaway coast**—No commercial fisherman shall use any set net within these waters defined by a line beginning at the mean high-water mark at Pitikirua Point (at approximately 37° 32.6'S and 178° 4.8'E); then proceeding in a straight line in a northerly direction to a position approximately 2 nautical miles from the point of commencement at 37° 30.6'S and 178° 4.8'E; then in a generally westerly direction by a line every point of which is 2 nautical miles from the mean high-water mark to a point approximately 2 nautical miles north of Cape Runaway (at 37° 30.3'S and 177° 59'E); then in a straight line in a southerly direction to the mean high-water mark at Cape Runaway (at approximately 37° 32.3'S and 177° 59'E); and then proceeding along the line of the mean high-water mark in a generally easterly direction to the point of commencement at Pitikirua Point (at approximately 37° 32.6'S and 178° 4.8'E).”

5. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.—Regulation 14AA of the principal regulations (as inserted by regulation 6 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by omitting the words “Jack mackerel”.

MARIE SHROFF,
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*, amend the Fisheries (Central Area Commercial Fishing) Regulations 1986 to—

- (a) Prohibit trawling and Danish seining and the use of set nets within 2 nautical miles of the shoreline to the east of Cape Runaway in the eastern Bay of Plenty (*regulations 2, 4*);
- (b) Correct a wrong co-ordinate in regulation 6A (which relates to trawling by vessels over 43 metres long) (*regulation 3*);
- (c) Prohibit the use of set nets 500 metres or more long in waters less than 30 metres deep, unless appropriate floats are used;
- (d) Extend to 24 hours, rather than the 18 hours specified in regulation 42A of the Fisheries (Commercial Fishing) Regulations 1986, the period within which a commercial fisherman must underrun a set net and remove any fish that have been caught (*regulation 4*).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 September 1996.

These regulations are administered in the Ministry of Fisheries.