



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 11**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of August 1991

Present:

THE HON. D. C. MCKINNON PRESIDING IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 11, and shall be read together with and deemed part of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*S.R. 1986/218

- Amendment No. 1: S.R. 1986/253
- Amendment No. 2: S.R. 1987/109
- Amendment No. 3: S.R. 1987/262
- Amendment No. 4: (Revoked by S.R. 1989/241)
- Amendment No. 5: (Revoked by S.R. 1989/241)
- Amendment No. 6: S.R. 1989/241
- Amendment No. 7: S.R. 1989/293
- Amendment No. 8: S.R. 1990/218
- Amendment No. 9: S.R. 1990/309
- Amendment No. 10: S.R. 1991/128

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

2. Interpretation—(1) The principal regulations are hereby amended by revoking regulation 2 (as substituted by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following regulation:

“2. (1) In these regulations, unless the context otherwise requires,—

“‘Act’ means the Fisheries Act 1983:

“‘Albacore tuna’ means a fish of the species *Thunnus alalunga*:

“‘Anchovy’ means the fish *Engraulis australis*:

“‘Bigeye tuna’ means a fish of the species *Thunnus obesus*:

“‘Black (seal) shark’ means a fish of the species *Scymnorhinus (Dalatias) licha*:

“‘Blue mackerel’ means a fish of the species *Scomber australasicus*:

“‘Broadbill swordfish’ means a fish of the species *Xiphias gladius*:

“‘Bronze whaler shark’ means a fish of the species *Carcharhinus brachyurus*:

“‘Butterfish’ means a fish of the species *Odax pullus* (commonly known as greenbone) or a fish of the species *Odax cyanollis*:

“‘Butterfly tuna’ means a fish of the species *Gasterochisma melampus*:

“‘Cardinal fish’ means a fish of the Genus *Epigonus*:

“‘Catseye’ means a shellfish of the Genus *Turbo* (formerly known as *Lunella*):

“‘Cockle’ means the mollusc *Chione (Austrovenus) stutchburyi*:

“‘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 10m overall length, not less than the last 3m of net:

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

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

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

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

“‘Conger eel’ means a fish of the family *Congridae*:

“‘Cooks turban’ means the shellfish *Cookia sulcata*:

“‘Crab’ means the paddle or swimming crab that has the scientific name *Ovalipes catharus*:

- “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 the use of a Danish seine net:
- “Day’ means a period of 24 hours computed from midnight to midnight:
- “Deepwater crab’ means a crustacean of the Genus *Jacquiniotia*, *Lithodes*, *Neolithodes*, *Nectocarcinus*, *Paralomis*, *Leptomithrax*, or *Paramola*:
- “Dog cockle’ means the shellfish *Glycymeris laticostata*:
- “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:
- “Dredge oyster’ means a mollusc of the species *Tiostrea lutaria* (formerly known as *Ostrea lutaria*, *Ostrea puelchana*, and *Tiostrea chilensis*):
- “Durvillea’ means a seaweed of the Genus *Durvillea*:
- “Ecklonia’ means seaweed of the Genus *Ecklonia*:
- “Frostfish’ means a fish of the species *Lepidopus caudatus*:
- “Flying fish’ means a fish of the family *Exocoetidae*:
- “Galaxids, adult’ means a fish of the Genus *Galaxias* but excludes the young and fry thereof, commonly known as whitebait:
- “Garfish’ means the fish (also commonly known as piper) that has the scientific name *Hyporhamphus ihi*:
- “Ghost shark’ means a fish of the species of the Genera *Hydrolagus* and *Chimara*:
- “Gracilaria’ means a seaweed of the Genus *Gracilaria*:
- “Greeneye dogfish’ means a fish of the species *Squalus mitsukurii* (formerly known as *Squalus blainvillei*):
- “Green-lipped mussel’ means a shellfish of the species *Perna canaliculus*; but excludes green-lipped mussel spat:
- “Green-lipped mussel spat’ means a shellfish of the species *Perna canaliculus* that is less than 40 mm in length:
- “Hagfish’ means a fish of the species *Eptatretus cirrhatus* (also known as blind eel):
- “Hand-gathering’ includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus:
- “Horse mussel’ means a shellfish of the species *Atrina zelandica*:
- “Kahawai’ means a fish of the species *Arripis trutta*:

- “ ‘Kina’ means the shellfish that has the scientific name *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin that has the scientific name *Centrostephanus rogersii*; and also includes the sea egg of the Genus *Pseudechinus*:
- “ ‘King clam’ means a shellfish of the Genus *Panopea*:
- “ ‘Lamprey’ means the fish *Geotria australis*:
- “ ‘Leatherjacket’ means a fish of the species *Parika scaber*:
- “ ‘Lessonia’ means a seaweed of the Genus *Lessonia*:
- “ ‘Limpet’ means a shellfish of the Genus *Cellana* or *Notoacmea*:
- “ ‘Longfinned eel’ means a fish of the species *Anguilla dieffenbachi*:
- “ ‘Lookdown dory’ means a fish of the species *Cyttus traversi*:
- “ ‘Macrocystis’ means a seaweed of the Genus *Macrocystis*:
- “ ‘Munida’ means the crustacean *Munida gregaria*:
- “ ‘Mud snail’ means the shellfish *Amphibola crenata*:
- “ ‘Mussel’ means the green-lipped 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:
- “ ‘Octopus’ means the shellfish *Octopus maorum*:
- “ ‘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:
- “ ‘Pacific oyster’ means a mollusc of the species *Crassostrea gigas*:
- “ ‘Paddle crab’ means a crab of the species *Ovalipes catharus*:
- “ ‘Pair trawling’ means using a trawl net that is towed or hauled through the water by more than one vessel:
- “ ‘Periwinkle’ means a shellfish *Littorina unifasciata atipodum* (commonly known as blue periwinkle) or *Littorina cincta* (commonly known as brown periwinkle):
- “ ‘Pilchard’ means the fish *Sardinops neopilchardus*:
- “ ‘Pipi’ means the shellfish *Paphies australis*:
- “ ‘Porae’ means a fish of the species *Nemadactylus douglasi*:
- “ ‘Porphyra’ means a seaweed of the Genus *Porphyra*:
- “ ‘Prawn’ means a crustacean of the Order *Decapoda* which are natant (able to swim):
- “ ‘Pterocladia’ means a seaweed of the Genus *Pterocladia*:
- “ ‘Ray’s bream’ means a fish of the species *Brama brama*:
- “ ‘Red snapper’ means a fish of the species *Centroberyx affinis*:
- “ ‘Ribaldo’ means a fish of the species *Mora moro*:
- “ ‘Rock lobster’ means the fish that has the scientific name *Jasus edwardsii* (commonly known as the spiny or red rock lobster) or *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):
- “ ‘Rock lobster pot’ means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any

other device capable of catching, holding, or storing rock lobsters:

- “‘Rock oyster’ means a mollusc of the species *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*):
- “‘Rubyfish’ means a fish of the species *Phagiogoneion rubiginosus*:
- “‘Saury’ means a fish of the species *Scomberesox saurus*:
- “‘Scallop’ means the mollusc *Pecten novaezelandiae*:
- “‘Scampi’ means a crustacean of the species *Metanephropus challengeri*:
- “‘Sea cucumber’ means a holothurian of the Genus *Stichopus*:
- “‘Sea hare’ means a mollusc of the Order *Aplysiomorpha*:
- “‘Sea horse’ means the fish *Hippocampus abdominalis*:
- “‘Sea perch’ means a fish of the Genus *Helicolenus*:
- “‘Sea slug’ means a shellfish of the Order *Nudibranchia*:
- “‘Sea tulip’ means an ascidian of the Genus *Pyura*:
- “‘Set net’ includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- “‘Seven-gill shark’ means a fish of the species *Notorynchus cepedianus* or *Heptranchias perlo*:
- “‘Shortfinned eel’ means a fish of the species *Anguilla australis*:
- “‘Shovelnose spiny dogfish’ means a fish of the species *Deania calcea*:
- “‘Silver dory’ means a fish of the species *Cyttus novaezelandiae*:
- “‘Six-gill shark’ means a fish of the species *Hexanchus griseus*:
- “‘Skate and ray’ means a skate of the Genus *Raja*, *Bathyraja*, or *Arhynchabotis* or a ray of the Genus *Dasyatis*, *Myliobatis*, *Mobula*, *Torpedo*, or *Typhlonarke*:
- “‘Skipjack tuna’ means a fish of the species *Katsuwonus pelamis*:
- “‘Slender tuna’ means a fish of the species *Allothunnus fallai*:
- “‘Smelt, adult’ means a fish of the Genus *Retropinna* but excludes the young and fry thereof:
- “‘Southern bluefin tuna’ means the fish that has the scientific name *Thunnus maccoyi*:
- “‘Sowfish’ means a fish of the species *Paristiopterus labiosus*:
- “‘Spiny dogfish’ means a fish of the species *Squalus acanthias*:
- “‘Sponge’ means an animal of the Phylum *Porifera*:
- “‘Sprat’ means a fish of the Genus *Sprattus*:
- “‘Surf clam’ means a shellfish of the species *Mactra murchisoni*, *Mactra discors*, *Spisula aequilateralis*, *Paphies donacina*, *Dosinia anus*, *Basina yatei*, or *Dosinia subrosa*:
- “‘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:
- “‘Thresher shark’ means a fish of the species *Alopias vulpinus*:
- “‘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 in 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:
- “‘Trumpeter’ means a fish of the species *Latris lineata*:
- “‘Tuatua’ means the shellfish *Paphies subtriangulata*:

- “ ‘Ulva’ means a seaweed of the Genus *Ulva*:
- “ ‘Undaria’ means a seaweed of the Genus *Undaria*:
- “ ‘Virgin paua’ means the shellfish that has the scientific name *Haliotis virginea*:
- “ ‘Volutes’ means a shellfish of the family *Volutidae*:
- “ ‘Whelk’ means a shellfish of the Genus *Struthiolaria*, *Cominella*, *Haustrum*, *Buccinulum*, *Lipsiella*, *Taron*, *Austrofusus*, or *Penion*:
- “ ‘Whitebait net’ means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait:
- “ ‘Yellow-eyed mullet’ means a fish of the species *Aldichetta forsteri*:
- “ ‘Yellowfin tuna’ means a fish of the species *Thunnus albacares*:
- “ ‘Yellowtailed kingfish’ means a fish of the species *Seriola lalandi*, formerly known as *Seriola grandis*:
- “ ‘Zostera’ means seaweeds of the Genus *Zostera*.

“(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986*.”

(2) Regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7 is hereby consequentially revoked.

3. New regulations substituted—The principal regulations are hereby amended by revoking regulation 14A (as inserted by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following regulations:

“14A. Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised—(1) Subject to subclause (2) of this regulation, no commercial fisherman shall take from the waters of quota management area 7 any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation, or be in possession of any such fish, aquatic life, or seaweed if it has been taken from those waters.

“(2) Notwithstanding subclause (1) of this regulation, but subject to the Act and any regulations made under the Act, a commercial fisherman may take any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation from the waters of quota management area 7, or be in possession of any such fish, aquatic life, or seaweed, if—

“(a) The fish, aquatic life, or seaweed is taken by the commercial fisherman as an inevitable consequence of the lawful taking of any other species or class of fish, aquatic life, or seaweed under the authority of a current fishing permit held by the commercial fisherman; or

“(b) In the case of any fish, aquatic life, or seaweed specified in Part A of the Table, the Director-General has, under subclause (3) of this regulation, authorised the commercial fisherman to take that fish, aquatic life, or seaweed as a target species.

“(3) Subject to the Act and any regulations made under the Act, the Director-General may, on receipt of an application in writing from a commercial fisherman, authorise the commercial fisherman to take as a target species any fish, aquatic life, or seaweed specified in Part A of the Table set out in subclause (5) of this regulation, and the Director-General

may give any such authorisation either unconditionally or subject to such conditions as the Director-General thinks fit to impose.

“(4) Any authorisation given under subclause (3) of this regulation may at any time be withdrawn or cancelled by the Director-General by notice in writing to the commercial fisherman named in the authorisation.

“(5) The species and classes of fish, aquatic life, and seaweed to which subclause (1) of this regulation applies are as follows:

“PROHIBITED TARGET SPECIES

Part A—Prohibited Unless Specially Authorised

Catseye	Kahawai	Porphyra
Cockle	Kina	Pterocladia
Cooks turban	King clam	Scampi
Dog cockle	Lessonia	Shortfinned eel
Dredge oyster	Limpet	Surf clam
Durvillea	Longfinned eel	Tuatua
Ecklonia	Macrocystis	Ulva
Gracilaria	Mud snail	Undaria
Green-lipped mussel	Munida	Volutes
spat	Periwinkle	Whelk
Hagfish	Pipi	Wrasse

Part B—Totally Prohibited as Target Species

- | | | |
|-------------------|-----------------|--------------|
| 1. Named species: | Galaxids, adult | Sea tulip |
| | Lamprey | Smelt, adult |
| | Sea hare | Sponge |
| | Sea horse | Virgin paua |
| | Sea slug | Zostera |
2. Any other fish, aquatic life, or seaweed, not being—
- Fish, aquatic life, or seaweed that is subject to a quota management system; or
 - Fish, aquatic life, or seaweed specified in regulation 14AA of these regulations; or
 - Fish, aquatic life, or seaweed specified in Part A of this Table.

“14AA. **Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.**—Subject to the Act, any regulations or notice made under the Act, and any conditions that the Director-General imposes under the Act or under any such regulation or notice, a commercial fisherman may, where and to the extent that a current fishing permit held by the commercial fisherman so authorises, take from the waters of quota management area 7 any fish, aquatic life, or seaweed specified in the following Table, and may be in possession of any such fish, aquatic life, or seaweed so taken.

“Fish, Aquatic Life, and Seaweed That May be Taken Subject to Competitive or Individual Quotas, Method Restrictions, Etc.

Albacore tuna	Greeneye dogfish	Sea perch
Anchovy	Horse mussel	Seven-gill shark
Bigeye tuna	Leatherjacket	Shovelnose spiny dogfish
Black (seal) shark	Lookdown dory	Silver dory
Blue mackerel	Marblefish	Six-gill shark
Blue mussel	Octopus	Skate and ray
Broad squid	Pacific oyster	Skipjack tuna
Broadbill swordfish	Paddle crab	Slender tuna
Bronze whaler-shark	Pilchards	Southern bluefin tuna
Butterfish	Porae	Sowfish
Butterfly tuna	Ray's bream	Spiny dogfish
Cardinal fish	Red snapper	Sprats
Conger eel	Ribaldo	Thresher shark
Deepwater crab	Rock oyster	Trumpeter
Flying fish	Rubyfish	Yellow-eyed mullet
Frostfish	Saury	Yellowfin tuna
Garfish	Scallop	Yellowtailed kingfish”.
Ghost shark	Sea cucumber	
Green-lipped mussel		

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 (Challenger Area Commercial Fishing) Regulations 1986.

Regulation 2 revokes regulation 2 of those regulations, which is the interpretation provision, and substitutes a new regulation 2 with the following substantive differences from the existing regulation:

- (a) 56 new definitions of various species and classes of fish, aquatic life, and seaweed are inserted; and
- (b) New definitions of the terms “hagfish”, “kina”, and “whelk” are substituted for the existing definitions; and
- (c) The definitions of the terms “green mussel” and “mussel” are amended to refer to green-lipped mussels, rather than green mussels.

Regulation 3 revokes regulation 14A of the principal regulations, and substitutes new regulations 14A and 14AA.

The new regulation 14A lists in Part A of the table in *subclause (5)* fish, aquatic life, and seaweeds that may not be taken by a commercial fisherman from quota management area 7 as target species other than under a special authorisation given by the Director-General under *subclause (3)*.

Part B of the Table lists fish, aquatic life, and seaweeds that may not be taken at all as target species. Included in this list are all fish, aquatic life, and seaweeds that are not subject

to a quota management system or are not listed in Part A of the Table or in the new *regulation 14AA*.

The new *regulation 14AA* lists fish, aquatic life, and seaweeds that may be taken in quota management area 7 without restriction other than those already imposed by or under the Act or any fishing permit in relation to competitive quotas, individual quotas, methods of fishing, and so on.

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

Date of notification in *Gazette*: 29 August 1991.

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