



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 14**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of September 1993

Present:

THE RIGHT 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.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. New regulations inserted <ul style="list-style-type: none"> 2A. Minimum set net mesh size 2B. Set nets exceeding 1000m, and box or teichi nets, prohibited in defined areas 2C. Finfishing prohibited in inner Queen Charlotte Sound 2D. Finfishing prohibited in Croisilles Harbour 2E. Certain fishing prohibited in inner Pelorus Sound | <ul style="list-style-type: none"> 4. Prohibitions relating to outer Queen Charlotte Sound 5. Trawl and surrounding nets prohibited in certain areas 6. Trawling in Port Underwood by vessels longer than 20m prohibited 7. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc. 8. Levies in respect of Southern Scallop Fishery |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 14, 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).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 30th day of September 1993.

(3) Regulation 8 of these regulations shall come into force on the day after the date of the notification of these regulations in the *Gazette*.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations (as substituted by regulation 2 (1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 11) is hereby amended by omitting from the definition of the term “set net” the words “drift net, trammel net,”.

(2) Regulation 2 (1) of the principal regulations (as so substituted) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Blue moki’ means a fish of the species *Latridopsis ciliaris*:

“Grey mullet’ means a fish of the species *Mugil cephalus*:

“Hapuku/bass’ means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*:

“School shark’ means a fish of the species *Galeorhinus australis*”.

3. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 2, the following regulations:

“2A. **Minimum set net mesh size**—Notwithstanding regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986, the mesh size of any set net used or possessed by any commercial fisherman in the Challenger Fishery Management Area shall not be less than the appropriate size specified in the following table:

Species of Fish	Minimum Set Net Mesh Size (mm)
Blue moki	114
Bluenose	160
Hapuku/bass	160
Kahawai	100
Grey mullet	100
School shark	150

*S.R. 1986/218

- Amendment No. 1: S.R. 1986/253
- Amendment No. 2: S.R. 1987/109
- Amendment No. 3: (Revoked by S.R. 1992/227)
- Amendment No. 4: (Revoked by S.R. 1989/241)
- Amendment No. 5: (Revoked by S.R. 1989/241)
- Amendment No. 6: (Revoked by S.R. 1992/227)
- Amendment No. 7: S.R. 1989/293
- Amendment No. 8: S.R. 1990/218
- Amendment No. 9: S.R. 1990/309
- Amendment No. 10: (Revoked by S.R. 1992/321)
- Amendment No. 11: S.R. 1991/162
- Amendment No. 12: S.R. 1992/227
- Amendment No. 13: S.R. 1992/321

“2b. Set nets exceeding 1000m, and box or teichi nets, prohibited in defined areas—(1) No commercial fisherman shall use a box or teichi net, or set nets of a total length exceeding 1000m, in the following waters:

- “(a) *Port Underwood*: The waters of Port Underwood lying inside a straight line drawn from Robertson Point (at 41° 21.15'S and 174° 07.40'E) to the southern tip of Robin Hood Bay (at 41° 21.90'S and 174° 04.60'E);
- “(b) *Queen Charlotte Sound*: The waters of Queen Charlotte Sound lying inside a straight line drawn from Cape Jackson (at 40° 59.80'S and 174° 18.90'E) to Cape Komaru (at 41° 05.50'S and 174° 23.0'E), and inside a line drawn from East Head (at 41° 12.80'S and 174° 19.80'E) to West Head at the entrance to Tory Channel (at 41° 12.90'S and 174° 18.90'E);
- “(c) *Pelorus Sound*: The waters of Pelorus Sound lying inside a straight line drawn from Paparoa Head (at 40° 54.70'S and 174° 01.50'E) to Alligator Head (at 40° 58.20'S and 174° 09.40'E);
- “(d) *Admiralty Bay*: The waters of Admiralty Bay lying inside a straight line drawn from Collinet Point (at 40° 55.50'S and 174° 50.80'E) to Clay Point (at 40° 53.40'S and 174° 53.80'E);
- “(e) *Catherines Cove*: The waters of Catherines Cove lying inside a straight line drawn from the south-western point of D'Urville Peninsula (at 40° 52.80'S and 173° 53.70'E) to Reef Point (at 40° 52.60'S and 173° 52.70'E);
- “(f) *Port Hardy*: The waters of Port Hardy lying inside a straight line drawn from Nile Head (at 40° 43.80'S and 173° 52.30'E) to Cape Stephens (at 40° 41.60'S and 173° 57.0'E);
- “(g) *Greville Harbour*: The waters of Greville Harbour lying inside a straight line drawn from Ragged Point (at 40° 50.0'S and 173° 47.10'E) to Two Bay Point at the northern entrance of the harbour (at 40° 49.0'S and 173° 47.60'E);
- “(h) *Manuwhakapakapa Harbour*: The waters of Manuwhakapakapa Harbour lying inside a straight line drawn from Sauvage Point (at 40° 56.60'S and 173° 46.20'E) to Okarewa Point (at 40° 53.80'S and 173° 46.20'E);
- “(i) *Croisilles Harbour*: The waters of Croisilles Harbour lying inside a straight line drawn from Cape Soucis (at 41° 03.20'S and 173° 35.60'E) to the outermost point of Motuanauru Island (at 41° 02.50'S and 173° 38.40'E) to the outermost point of Otuhaereroa Island (at 41° 02.30'S and 173° 39.60'E) to Kokaho Point (at 41° 02.30'S and 173° 40.30'E);
- “(j) *Nelson Harbour/Waimea Estuary*: The waters of Nelson Harbour/Waimea Estuary lying inside a straight line drawn from the eastern tip of Rabbit Island (at 41° 17.10'S and 173° 11.70'E) to the southernmost tip of Boulder Bank (at 41° 15.80'S and 173° 15.50'E);
- “(k) *Wainui Bay*: The waters of Wainui Bay lying inside a straight line drawn from Abel Tasman Point (at 40° 48.10'S and 172° 55.30'E) to Taupo Point (at 40° 47.40'S and 172° 57.20'E);
- “(l) *Whanganui Inlet*: The waters of Whanganui Inlet lying inside a straight line drawn from a point on the west headland at 40° 35.0'S and 172° 32.0'E, to a point on the east headland at 40° 34.60'S and 172° 32.80'E.

“(2) No commercial fisherman shall set any net within 60 metres of any other net within any waters defined in subclause (1) of this regulation.

“2c. Finfishing prohibited in inner Queen Charlotte Sound—

(1) Except as provided in subclauses (2) and (3) of this regulation, no commercial fisherman shall take finfish from the waters of inner Queen Charlotte Sound lying inside a straight line drawn from Dieffenbach Point (at 41° 14.0'S and 174° 08.70'E) to West Head at the easternmost entrance to Ruakaka Bay (at 41° 13.0'S and 174° 08.60'E).

“(2) Any commercial fisherman may take finfish from such waters by using a set net having a mesh size not less than 25mm and not more than 50mm, if the entire bottom length of the net is in direct contact with the seabed.

“(3) Any commercial fisherman may take finfish from such waters by using a dragnet having a mesh size of less than or equal to 30mm.

“2D. Finfishing prohibited in Croisilles Harbour—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall take finfish from the waters of Croisilles Harbour lying inside a straight line drawn from Cape Soucis (at 41° 03.20'S and 173° 35.60'E) to the outermost point of Motuanauru Island (at 41° 02.50'S and 173° 38.40'E), to the outermost point of Otuhaereroa Island (at 41° 02.30'S and 173° 39.60'E), to Kokaho Point (at 41° 02.30'S and 173° 40.30'E).

“(2) Any commercial fisherman may take finfish from such waters by using a set net that is not more than 9 meshes in height, if the entire bottom length of the net is in direct contact with the seabed.

“2E. Certain fishing prohibited in inner Pelorus Sound—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall take finfish from the waters of inner Pelorus Sound lying inside a straight line drawn from Cregoe Point (at 41° 03.20'S and 173° 49.90'E) to Camel Point (at 41° 02.10'S and 173° 48.70'E), to Sheep Point (at 41° 01.20'S and 173° 48.80'E), and inside a line drawn from Tawero Point (at 41° 03.80'S and 173° 57.0'E) to Opani-Aputa Point (at 41° 04.70'S and 173° 58.50'E).

“(2) Any commercial fisherman may take finfish from such waters by using—

“(a) The method of longlining; or

“(b) A set net of not more than 9 meshes in height, if the entire bottom length of the net is in direct contact with the seabed.”

4. Prohibitions relating to outer Queen Charlotte Sound—(1) The principal regulations are hereby amended by revoking regulation 3A (as inserted by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7) and regulation 4, and substituting the following regulation:

“3A. (1) No commercial fisherman shall use for fishing or be in possession of a drag net at any time in outer Queen Charlotte Sound, being those waters inside a line drawn from Cape Jackson (at 40° 59.80'S and 174° 18.90'E) to Cape Koamaru (at 41° 05.50'S and 174° 23.0'E), and inside East Head (at 41° 12.80'S and 174° 19.80'E) to West Head (at 41° 12.90'S and 174° 18.90'E) at the entrance to Tory Channel, and seaward of a straight line drawn from Dieffenbach Point (at 41° 14.0'S and 174° 08.70'E) to West Head, at the easternmost entrance to Ruakaka Bay (at 41° 13.0'S and 174° 08.60'E), if—

- “(a) The length of the net, excluding any attached warps, rope, chain or material, exceeds 165m; or
- “(b) The total length of the net exceeds 200m; or
- “(c) The net contains a bag or cod-end.
- “(2) No commercial fisherman shall at any time take any snapper using a drag net in the waters described in subclause (1) of this regulation, or be in possession of any snapper taken by the use of a drag net in those waters.”
- (2) Regulations 3 and 4 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7 are hereby consequentially revoked.

5. Trawl and surrounding nets prohibited in certain areas—The principal regulations are hereby amended by inserting, after regulation 6, the following regulation:

“6A. No commercial fisherman shall use a trawl net or surrounding net in the following waters:

- “(a) *Greville Harbour*: The waters of Greville Harbour lying inside a straight line drawn from Ragged Point (at 40° 50.0'S and 173° 47.10'E) to Two-Bay Point on the northern entrance to the harbour (at 40° 49.0'S and 173° 47.60'E);
- “(b) *Nelson Harbour/Waimea Estuary*: The waters of Nelson Harbour/Waimea Estuary lying inside a straight line drawn from the easternmost tip of Rabbit Island (at 41° 17.10'S and 173° 11.70'E) to the southernmost tip of Boulder Bank (at 41° 15.80'S and 173° 15.50'E);
- “(c) *Whanganui Inlet*: The waters of Whanganui Inlet lying inside a straight line drawn from a point on the west headland at 40° 35.0'S and 172° 32.0'S, to a point on the east headland at 40° 34.60'S and 172° 32.80'S.”

6. Trawling in Port Underwood by vessels longer than 20m prohibited—The principal regulations are hereby amended by inserting, after regulation 8, the following regulation:

“8A. No commercial fisherman shall at any time use any New Zealand fishing vessel over 20m in overall length for trawling in the waters of Port Underwood bounded by a straight line drawn from Robertson Point (at 41° 21.15'S and 174° 07.40'E) to the southern tip of Robin Hood Bay (at 41° 21.90'S and 174° 04.60'E).”

7. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.—

(1) Regulation 14^{AA} of the principal regulations (as substituted by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 11) is hereby amended by omitting the words “any regulations or”, and substituting the words “to subclause (2) of this regulation and any other regulation and any”.

(2) Regulation 14^{AA} of the principal regulations (as so substituted) is hereby amended by inserting after the table, as subclause (2), the following subclause:

“(2) Subject to the Act and any regulations made under the Act, a commercial fisherman may take from the waters of quota management area 7 any fish, aquatic life, or seaweed specified in the table set out in subclause (1) of this regulation, or be in possession of any such fish, aquatic life, or seaweed, if 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 that commercial fisherman.”

8. Levies in respect of Southern Scallop Fishery—Regulation 15A (1) of the principal regulations (as inserted by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 13) is hereby amended by omitting the expression “14 percent”, and substituting the expression “13 percent”.

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

The principal changes are as follows:

- (a) Minimum set net mesh sizes are introduced for some species (*regulation 3*);
- (b) Set nets of a total length in excess of 1000m, and box or teichi nets, are prohibited in defined areas (*regulation 3*);
- (c) Finfishing is prohibited in inner Queen Charlotte Sound (*regulation 3*);
- (d) Finfishing is prohibited in Croisilles Harbour (*regulation 3*);
- (e) Certain fishing is prohibited in inner Pelorus Sound (*regulation 3*);
- (f) The use of trawl nets and surrounding nets is prohibited in certain areas (*regulation 5*);
- (g) Trawling in Port Underwood by vessels longer than 20m is prohibited (*regulation 6*);
- (h) Certain fish may be taken as bycatch in quota management area 7 (*regulation 7*);
- (i) The scallop enhancement levy payable in respect of the Southern Scallop Fishery is reduced from 14 percent to 13 percent (*regulation 8*).

Regulation 8 comes into force on the day after the date on which the regulations are notified in the *Gazette*. The remainder of the regulations come into force on 30 September 1993.

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

Date of notification in *Gazette*: 16 September 1993.

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