

# THE FISHERIES (SOUTH-EAST 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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- 5. Trawling prohibited
- Trawling by large vessels prohibited during certain periods in salmon conservation area adjacent to Banks Peninsula

- 7. Prohibition on trawling or set netting in certain areas
- 8. New regulations inserted
  - 5A. Drag netting prohibited in Catlins River
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- 9. Taking eels from Lakes Forsyth and Ellesmere restricted
- Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.

#### REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South East Area Commercial Fishing) Regulations 1986, Amendment No. 14, and shall be read together with and deemed part of the Fisheries (South-East Area Commercial Fishing) Regulations 1986\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 30th day of September

2. Interpretation—(1) Regulation 2 (1) of the principal regulations (as substituted by regulation 2 (1) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8) 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:

"'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 the heading following regulation 2, the following regulations:
- "2A. Maximum set net length in Lake Ellesmere—Not withstanding regulation 42 of the Fisheries (Commercial Fishing) Regulations 1986, a commercial fisher may use in Lake Ellesmere set nets that, in total, do not exceed 1500 m in length.
- "2B. 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 South-East 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	• •	• •		• •	90
Yellow-eyed mullet					90
School shark					150
Cnannan					125"
snapper	• •	• •		• •	123
*6	.R. 1986/219				
	Amendment No.	1: S.R. 1	986/254		
	Amendment No.				
	Amendment No.				
	Amendment No.				
	Amendment No. Amendment No.		Revoked by S.I	(. 1991/248 <sub>)</sub>	
	Amendment No.		Revoked by S.I	2 1991/163\	
	Amendment No.			,,,,,,,,,,,	
	Amendment No.	9: S.R. (	Revoked by S.I	R. 1992/343)	
	Amendment No.				
	Amendment No.				
	Amendment No. Amendment No.				

**4. New regulations inserted**—The principal regulations are hereby amended by inserting, after regulation 3c (as inserted by regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 6), the following regulations:

"3D. Certain fishing methods prohibited in defined areas—(1) No commercial fisherman shall use for taking fish a box or teichi net, purse seine net, Danish seine net, trawl net, or lampara net, or set nets of a total length in excess of 1000 metres, within the following waters:

(a) Le Bon's Bay: All those waters of Le Bon's Bay, Banks Peninsula, lying inside a straight line drawn from the north-easternmost extremity of Steep Head (at 43° 44.80'S and 173° 07.45'E) to the easternmost extremity of Katawa Head (at 43° 43.85'S and

173° 07.0'E):

"(b) Akaroa Harbour: All those waters of Akaroa Harbour lying inside a straight line drawn from the south-easternmost extremity of Timutimu Head (otherwise known as Iron Head) (at 43° 53.98'S and 172° 56.95'E) to the southernmost extremity of Te Ruahine Point (at 43° 53.37'S and 172° 58.15'E):

"(c) Timaru Harbour: All those waters of Timaru Harbour enclosed within an area commencing at the eastern tip of the Outer North Mole at a point (at 44° 23.28'S and 171° 15.70'E) across to the northern tip of the Eastern Extension Mole at a point (at 44° 23.29'S and 171° 16.06'E):

"(d) Oamaru Harbour: All those waters of Oamaru Harbour enclosed within an area commencing from the easternmost point of the North Mole/Holmes Wharf at a point (at 45° 06.46'S and 170° 58.68'E), across to the northern tip of the Breakwater at a point (at 45° 06.44'S and 170° 58.88'E):

"(e) Otago Harbour: All those waters of Otago Harbour lying generally south-east of a line from the north-eastern end of the Mole commencing at a point (at 45° 46.34'S and 170° 48.19'E) across to Taiaroa Head at a point (at 45° 46.45'S and 170° 43.69'E).

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

"3E. Set net soak times—(1) Subject to regulation 3 (3) of these regulations, no commercial fisherman shall leave a set net in the South-East Fishery Management Area for more than 24 hours without underrunning the net and removing any fish that have been caught.

"(2) Notwithstanding subclause (1) of this regulation, a commercial fisherman may, during the period commencing on the 1st day of October in any year and ending with the 31st day of December in that year (both days inclusive), place a set net in the waters described in subclause (3) of this regulation for 48 hours.

"(3) The waters referred to in subclause (2) of this regulation (known as Banks) are those waters contained within an area commencing at the mouth of the Waiau River (at 42° 46.90'S and 173° 22.30'E), then proceeding on a true bearing of 117° to a point at 42° 54.40'S and 173° 42.50'E, then proceeding on a true bearing of 170° to a point at 43° 58.20'S and 173° 57.90'E, then proceeding on the true bearing of 235° to a point at 44° 37.20'S and 172° 41.0'E, then proceeding on a true bearing of 335° to the shore at the mouth of the Rakaia River (at 43° 53.80'S and 172° 13.0'E), then proceeding generally in a northerly

direction along the mean high water mark to the point of commencement."

- **5. Trawling prohibited**—Regulation 4 of the principal regulations is hereby amended by revoking paragraphs (b) and (c).
- 6. Trawling by large vessels prohibited during certain periods in salmon conservation area adjacent to Banks Peninsula—(1) The principal regulations are hereby amended by revoking regulation 4B (as substituted by regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 12), and substituting the following regulation:
- "4B. (1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall use any New Zealand fishing vessel that is 23 metres or more in overall length, or has a power rating of 250 kw or more, for trawling in the salmon conservation area during the period beginning with the 7th day of December 1993 and ending with the close of the 14th day of February 1994 (both dates inclusive).

day of February 1994 (both dates inclusive).

"(2) The registered fishing vessels Ikawai, Tengawai, Explorer Douglas, Resolution II, Galatea II, and Austro Carina may be used for trawling in the salmon conservation area during the period specified in subclause (1) of

this regulation, subject to the following conditions:

"(a) The maximum amount of salmon that may be taken pursuant to regulation 30A (3) of the Fisheries (Commercial Fishing) Regulations 1986 shall be,—

"(i) In the case of the vessels Ikawai, Tengawai, Explorer Douglas,

Resolution II, and Galatea II, 790 kg per vessel:

"(ii) In the case of the vessel Austro Carina, 650 kg:

"(b) When a vessel has been used to take the maximum amount of salmon specified in respect of that vessel by paragraph (a) of this subclause, that vessel shall not be used to take any more fish from the salmon conservation area.

"(3) Notwithstanding subclause (2) of this regulation, where any vessel specified in that subclause is unable for any reason to be used and is withdrawn from use, a vessel that is not greater in size or engine capacity may, with the approval of the Director-General, be used in place of the vessel withdrawn from use (in this regulation referred to as the replacement vessel), and the following provisions shall apply:

(a) Seven days' notice of the replacement of a vessel shall be given to

the Director-General:

"(b) The Director-General may, after consultation with all the persons in charge of the other vessels specified in subclause (2) of this regulation, the New Zealand Salmon Anglers Association Incorporated, the New Zealand Salmon Farmers Association Incorporated, the North Canterbury Fish and Game Council, and the Central South Island Fish and Game Council, approve a replacement vessel that is greater in size or engine capacity or both than the vessel being withdrawn from use.

"(4) Where any 2 or more of the vessels specified in subclause (2) of this regulation are owned by the same person, that person may use those vessels in the salmon conservation area to take any amounts of salmon not exceeding in the aggregate the sum of the maximum amounts specified by

that subclause in respect of each of those vessels.

- "(5) In this regulation, the salmon conservation area is the waters adjacent to Banks Peninsula enclosed by a line commencing at East Head, Okains Bay (at 43° 41.10′S and 173° 05.20′E); then proceeding on a true bearing of 045° to a point 43° 36.20′S and 173° 11.09′E; then proceeding generally in a southerly direction along a line every point of which is 7 nautical miles seaward of the high water mark of Banks Peninsula to a point 44° 00.50′S and 172° 58.70′E; then proceeding due north to Akaroa Head (at 43° 53.50′S and 172° 58.70′E); then proceeding generally in a northerly direction along the mean high water mark to the point of commencement."
- (2) The Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 12 are hereby consequentially revoked.
- 7. Prohibition on trawling or set netting in certain areas—Regulation 5 of the principal regulations (as substituted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by adding the following subclauses:
- "(3) No commercial fisherman shall use a set net from one hour before sunset to one hour after sunrise in the following waters:
  - "(a) Motunau Island: All those waters lying within 300 m seaward of the mean high-water mark of the coast of Motunau Island (at 43° 03.80'S and 173° 04.50'E).
  - "(b) Banks Peninsula: All those waters lying one-half nautical mile seaward in any direction from all points of the high-water mark, the east coast of the South Island lying between the mouth of the Rakaia River (at 43° 53.88'S and 172° 13.08'E), and Sumner Head (at 43° 34.14'S and 172° 46.60'E), except the following areas:
    - "(i) All those waters lying to the west of a line drawn from a point at 43° 38.25'S and 172° 42.68'E and a point at 43° 36.92'S and 172° 40.22'E) in Lyttelton Harbour; and
    - "(ii) All those waters lying to the south of a line drawn from a point (at 43° 38.92'S and 172° 49.16'E) to a point (at 43° 38.92'S and 172° 50.20'E) in Port Levy; and
    - "(iii) All those waters lying to the south of a line drawn from Teopopaka Point (at 43° 40.18'S and 172° 54.34'E) and a point (at 43° 40.18'S and 172° 53.42'E) in Pigeon Bay; and
    - "(iv) All those waters lying to the north of a line drawn between Green Point (at 43° 49.0'S and 173° 56.90'E) and Ohae Point (at 43° 48.20'S and 173° 55.30'E) in Akaroa Harbour.
  - "(4) No commercial fisherman shall use a set net in the following waters: "(a) Upper Otago Harbour: All those waters of the upper harbour which lie to the north and west of a line from Burns Point (at 45° 53.20'S and 170° 31.60'E) to a point on the low tide training wall (at 45° 52.62'S and 170° 31.70'E); then generally in a north-easterly direction along the low tide training wall to a point (at 45° 50.18'S and 170° 36.08'E); then to Kilgour Point (at 45° 49.96'S and 170° 36.15'E):
  - "(b) Port Chalmers: All those waters in the lower harbour in the vicinity of Port Chalmers which lie to the west of a line from Back Beach Point (at 45° 49.21'S and 170° 37.67'E), to a beacon (at 45° 49.26'S and 170° 37.92'E); then to the shore at Rocky Point (at 45° 48.35'S and 170° 37.70'E):

- "(c) Taiaroa Head: All those waters contained in an area commencing at Harrington Point (at 45° 47.20'S and 170° 43.35'E); then due west to a point (at 45° 47.20'S and 170° 43.20'E); then on a true bearing of 012° to a point (at 45° 46.53'S and 170° 43.20'E); then generally in a southerly direction at a distance of 200 m from the high water mark to a point (at 45° 50.69'W and 174° 44.0'E); then 200 m to the coast at Victory Beach (at 45° 50.69'S and 174° 43.85'E); then in a northerly direction along the high water mark to the point of commencement:
- along the high water mark to the point of commencement: "(d) High Cliff: All those waters enclosed in an area commencing at Maori Head (at 45° 54.65'S and 170° 33.80'E); then due south for 200 m to a point (at 45° 54.75'S and 170° 33.80'E); then generally in a north-easterly direction at a distance of 200 m from the high water mark to a point (at 45° 54.35'S and 170° 38.0'E); then due north for 200 m to the coast at Seal Point (at 45° 54.25'S and 170° 38.0'E); then in a south-easterly direction along the high water mark to point of commencement:
- "(e) Catlins Lake: All of those waters of the Catlins Lake and tributaries running into the Catlins Lake that lie up stream of the main road bridge commencing at a point (at 46° 28.50'S and 169° 45.60'E); then in a southerly direction to 46° 28.60'S and 169° 45.60'E."
- **8.** New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 5, the following regulations:
- "5A. **Drag netting prohibited in Catlins River**—No commercial fisherman shall use a dragnet in the waters described in regulation 5 (4) (e) of these regulations.
- "5B. Fishing prohibited in defined areas around Chatham Island—No commercial fisherman shall take any fish from, or have in possession any fish taken from, the following waters:

# "Pitt Island

- "(a) Flower Pot: All those waters enclosed within an area commencing at the breakwater (at 44° 14.38'S and 176° 14.48'W); then due north for 100 metres to a point at 44° 14.32'S and 176° 14.48'W; then in a westerly direction at a distance of 100 metres from the high water mark to a point at 44° 14.57'S and 176° 15.85'W; then due south to the coast at a point 44° 14.63'S and 176° 15.85'W; then generally in an easterly direction along the high water mark to the point of commencement:
- "(b) Waipaua: All those waters enclosed within an area commencing on the coast at a point at 44° 18.49'S and 176° 12.11'W; then due east for 100 metres to a point at 44° 18.49'S and 176° 12.03'W; then proceeding in a southerly direction at a distance of 100 metres from the high water mark to a point at 44° 18.73'S and 176° 11.88'W; then due west to the coast to a point at 44° 18.73'S and 176° 11.96'W; then generally in a northerly direction along the high water mark to the point of commencement:

- "(c) Waihere: All those waters enclosed within an area commencing on the coast at a point at 44° 16.57'S and 176° 15.46'W; then due north for 100 metres to a point at 44° 16.51'S and 176° 15.46'W; then in an easterly direction at a distance of 100 metres from the high water mark to a point at 44° 16.43'S and 176° 14.89'W; then due south to the coast to a point at 44° 16.49'S and 176° 14.89'W; then generally in a westerly direction along the high water mark to the point of commencement:
- "(d) Kahuitara: All of those waters enclosed within an area commencing on the coast at a point at 44° 15.76′S and 176° 09.93′W; then due north to a point at 44° 15.70′S and 176° 09.93′W; then in a generally easterly and southerly direction to a point at 44° 16.11′S and 176° 09.66′W; then due west to the coast at a point at 44° 16.11′S and 176° 09.74′W; then generally in a northerly and westerly direction along the high water mark to the point of commencement:

# Chatham Island

- "(e) Waitangi: All those waters enclosed within an area commencing at the Waitangi wharf (at 43° 56.73'S and 176° 33.70'W); then on a bearing of 070° for 100 metres to a point at 43° 56.71'S and 176° 33.62'W; then in a north-westerly direction at a distance of 100 metres from the high water mark to a point at 43° 56.45'S and 176° 34.02'W; then due south to Point Webb (at 43° 56.51'S and 176° 34.02'W); then generally in a south-easterly direction along the high water mark to the point of commencement:
- "(f) Whangamoe: All those waters enclosed within an area commencing on the coast at a point at 43° 48.68'S and 176° 41.15'W; then due east for 100 metres to a point at 43° 48.68'S and 176° 41.07'W; then in a northerly direction to a point at 43° 48.63'S and 176° 41.09'W; then in a north-westerly direction at a distance of 100 metres from the high water mark to a point at 43° 47.85'S and 176° 41.15'W; then due north to the mouth of the creek at 43° 47.89'S and 176° 41.15'W; then generally in a southerly direction along the high water mark to the point of commencement:
- "(g) Waitangi West: All those waters enclosed within an area commencing on the coast at a point at 43° 47.22'S and 176° 49.11'W; then on a bearing of 340° for 200 metres to a point at 43° 47.10'S and 176° 49.14'W; then in an easterly direction at a distance of 200 metres from the high water mark to a point at 43° 46.56'S and 176° 48.83'W; then on a bearing of 160° to the coast at a point at 43° 47.08'S and 176° 48.80'W; then generally in a westerly direction along the high water mark to the point of commencement:
- "(h) Mairangi: All those waters enclosed within an area commencing on the coast at a point at 43° 43.16'S and 176° 38.15'W; then due west for 100 metres to a point at 43° 43.16'S and 176° 38.23'W; then in a southerly direction at a distance of 100 metres from the high water mark to a point at 43° 43.27'S and 176° 38.04'W; then due east to the mouth of Lake Waikauia (at 43° 43.27'S and 176° 37.96'W); then generally in a northerly

direction along the mean high water mark to the point of commencement:

- "(i) Wharekauri: All those waters enclosed within an area commencing on the coast at a point at 43° 42.38′S and 176° 34.78′W; then due north for 200 metres to a point at 43° 42.26′S and 176° 34.78′W; then in an easterly direction at a distance of 200 metres from the high water mark to a point at 43° 42.39′S and 176° 34.44′W; then due south to the beach at 43° 42.51′S and 176° 34.44′W; then generally in a westerly direction along the high water mark to the point of commencement:
- "(j) Taupeka: All those waters enclosed within an area commencing at Taupeka point (at 43° 43.24'S and 176° 29.57'W); then on a bearing of 060° to a point at 43° 43.18'S and 176° 29.48'W; then in a south-westerly direction to a point on the coast at 43° 44.02'S and 176° 29.57'W; then generally in a northerly direction to the point of commencement:
- "(k) Kaingaroa: All those waters enclosed within an area commencing at the inner edge of the Kaingaroa Harbour Wharf (at 43° 43.92'S and 176° 16.09'W); then on a bearing of 110° for 100 metres to a point at 43° 43.94'S and 176° 16.02'W; then in a northerly and westerly direction at a distance of 100 metres from the highwater mark to a point at 43° 43.64'S and 176° 16.44'W; then due south to the coast at a point at 43° 43.70'S and 176° 16.44'W); then generally in a south-easterly direction along the high water mark to the point of commencement:
- "(I) Owenga: All those waters enclosed within an area commencing on the coast at a point at 44° 01.35'S and 176° 21.74'W; then due north for 100 metres to a point at 44° 01.29'S and 176° 21.74'W; then in an easterly and southerly direction at a distance of 100 metres from the high water mark to a point at 44° 01.51'S and 176° 21.10'W; then due west to the coast at a point at 44° 01.51'S and 176° 21.18'W; then generally in a northerly and westerly direction along the high water mark to the point of commencement:
- "(m) Manukau: All those waters enclosed within an area commencing at Manukau Point (at 44° 01.92'S and 176° 19.59'W); then due east for 200 metres to a point at 44° 01.92'S and 176° 19.43'W; then in a southerly direction at a distance of 200 metres from the high water mark to a point at 44° 02.38'S and 176° 19.60'W; then due west to the coast to a point at 44° 01.38'S and 176° 19.76'W; then generally in a northerly direction along the high water mark to the point of commencement:
- "(n) Karen Inlet: All those waters enclosed within an area commencing on the coast at a point at 43° 59.89'S and 176° 39.33'W; then on a bearing of 320° for 100 metres to a point at 43° 59.85'S and 176° 39.39'W; then in a north-easterly direction at a distance of 100 metres from the high water mark to a point at 43° 59.45'S and 176° 38.80'W; then on a bearing of 140° to the coast at a point at 43° 59.49'S and 176° 38.74'W; then generally in a south-westerly direction along the high water mark to the point of commencement."

**9. Taking eels from Lakes Forsyth and Ellesmere restricted**—Regulation 11 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

"(3) Notwithstanding regulation 21 (2) of the Fisheries (Commercial

Fishing) Regulations 1986,—

"(a) In respect of the period of 12 months beginning on the commencement of this regulation, the minimum weight of any eel that may be taken from Lake Ellesmere by any commercial fisherman shall be 140g:

- "(b) Thereafter, on the commencement of each succeeding 12-month period and in respect of that period, the minimum weight of any eel that may be taken from Lake Ellesmere by any commercial fisherman shall be 10g more than the minimum weight in respect of the immediately preceding 12-month period, until the minimum weight reaches 220g whereupon the minimum weight shall remain fixed at that amount."
- 10. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.—
  (1) Regulation 11AB of the principal regulations (as substituted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8) 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 11AB 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 3 or quota management area 4 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."

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 30 September 1993, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

The principal changes are as follows:

- (a) A maximum set net length of 1500 m is imposed in respect of Lake Ellesmere (regulation 3):
- (b) Minimum set net mesh sizes are imposed (regulation 3):
- (c) The use of a box or teichi net, purse seine net, Danish seine net, trawl net, or lampara net, or a set net longer than 1000 m, is prohibited in Le Bon's Bay, Akaroa Harbour, Timaru Harbour, Oamaru Harbour, and Otago Harbour (regulation 4):
- (d) Except in Banks, set nets must be underrun and fish removed once in every 24-hour period (regulation 4):
- (e) Trawling by large vessels in the salmon conservation area adjacent to Banks Peninsula is prohibited during the period 7 December 1993 to 14 February 1994 (regulation 6):
- (f) Set netting is prohibited in certain waters (regulation 7):
- (g) Drag netting is prohibited in Catlins River and commercial fishing is prohibited in certain waters around Chatham Island (regulation 8):
- (h) The minimum weight of eels that may be taken from Lake Ellesmere is fixed at 140 g and that amount is increased annually by 10 g until it reaches 220 g (regulation 9):
- (i) Certain fish, aquatic life, and seaweed may be taken as bycatch (regulation 10).

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.