



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)  
REGULATIONS 1986, AMENDMENT NO. 17**

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CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of August 1994

Present:

THE HON. DOUG KIDD 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.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 17, 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).

\*S.R. 1986/219

- Amendment No. 1: S.R. 1986/254
- Amendment No. 2: S.R. 1988/105
- Amendment No. 3: S.R. 1988/320
- Amendment No. 4: S.R. 1989/322
- Amendment No. 5: *(Revoked by S.R. 1991/248)*
- Amendment No. 6: S.R. 1991/58
- Amendment No. 7: *(Revoked by S.R. 1991/163)*
- Amendment No. 8: S.R. 1991/163
- Amendment No. 9: *(Revoked by S.R. 1992/343)*
- Amendment No. 10: S.R. 1992/116
- Amendment No. 11: S.R. 1992/234
- Amendment No. 12: *(Revoked by S.R. 1993/282)*
- Amendment No. 13: S.R. 1993/48
- Amendment No. 14: S.R. 1993/282
- Amendment No. 15: S.R. 1993/355
- Amendment No. 16: S.R. 1994/28

(2) These regulations shall come into force on the 1st day of October 1994.

**2. Interpretation**—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 “oyster”, the words “*Tiostrea lutaria*”, and substituting the words “*Tiostrea chilensis*”.

**3. 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 6 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 14), 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 1994 and ending with the close of the 14th day of February 1995 (both dates inclusive).

“(2) The registered fishing vessels *Austro Carina*, *Explorer Douglas*, *Galatea II*, *Hans*, *Ikawai*, *Ocean Pioneer*, *Resolution II*, and *Tengawai* 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 *Ocean Pioneer* and *Resolution II*, 790 kg per vessel:

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

“(iii) In the case of the vessels *Explorer Douglas*, *Galatea II*, *Ikawai*, and *Tengawai*, 592.5 kg per vessel:

“(iv) In the case of the vessel *Hans*, 400 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 for any reason unable 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) For the purposes of 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° 41.05’ S and 173° 05.20’ E); then proceeding on a true bearing of 045° to a point 43° 36.08’ S and 173° 12.14’ 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) Regulation 6 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 14 is hereby consequentially revoked.

#### **4. Taking of eels from Lakes Forsyth and Ellesmere restricted—**

(1) Regulation 11 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) No commercial fisherman shall take eels from—

“(a) Lake Forsyth; or

“(b) Any river or stream that flows into Lake Forsyth; or

“(c) Any tributary of any river or stream that flows into Lake Forsyth.”

(2) Regulation 11 (4) of the principal regulations (as added by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 15) is hereby amended by omitting the expressions “21 mm” and “25 mm”, and substituting, respectively, the expressions “22 mm” and “26 mm”.

MARIE SHROFF,  
Clerk of the Executive Council.

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## 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 1 October 1994, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

*Regulation 2* updates the reference to the term “dredge oyster” in the definition of the term “oyster” in regulation 2 of the principal regulations.

*Regulation 3* rolls over, with some minor changes, the provisions in regulation 4B of the principal regulations and prohibits large vessels trawling in the salmon conservation area in the Canterbury Bight during the period 7 December 1994 to 14 February 1995.

*Regulation 4* amends regulation 11 of the principal regulations to—

- (a) Close Lake Forsyth and its catchment to commercial eel fishing;
- (b) Increase by 1 mm the minimum diameter of escapement tubes in fyke nets used to take eels from Lake Ellesmere.

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