



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 19**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of August 1995

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

- | | |
|---|--|
| 1. Title and commencement | 3. Shellfish dredges |
| 2. Prohibition on trawling by large vessels
in salmon conservation area adjacent
to Banks Peninsula | 4. Restrictions on taking oysters |
| | 5. Prohibitions relating to dredging for
scallops |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 19, 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 1st day of October 1995.

2. Prohibition on trawling by large vessels in salmon conservation area adjacent to Banks Peninsula—(1) The principal regulations are hereby amended by revoking regulation 4B (as substituted by regulation 3 (1) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 17), and substituting the following regulation:

“4B. (1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall, at any time in the period beginning on the 7th day of December 1995 and ending with the close of the 14th day of February 1996 (both dates inclusive), use for trawling in the salmon conservation area, any New Zealand fishing vessel that—

“(a) Is 23 metres or more in overall length; or

“(b) Has a power rating of 250 kw or more.

“(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:

*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. 1991/165

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

Amendment No. 17: S.R. 1994/174

Amendment No. 18: S.R. 1995/36

“(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 (as 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 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 17 is hereby consequentially revoked.

3. Shellfish dredges—The principal regulations are hereby amended by inserting, after regulation 10, the following regulation:

“10A. (1) No commercial fisherman shall use in the Chatham Islands shellfish fishery more than 2 dredges either of which has a bar or bit exceeding 2.5 metres in length.

“(2) Nothing in regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986* shall apply in relation to the use of dredges in the Chatham Islands shellfish fishery.”

4. Restrictions on taking oysters—The principal regulations are hereby amended by revoking regulation 11F (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4), and substituting the following regulation:

“11F. (1) No commercial fisherman shall, at any time in the period commencing on the 1st day of January in any year and ending with the close of the 31st day of August in that year (both days inclusive), take any oysters from the waters of the Chatham Islands shellfish fishery.

“(2) No commercial fisherman shall be in possession of any oysters taken in contravention of subclause (1) of this regulation.

“(3) Nothing in regulation 24 of the Fisheries (Commercial Fishing) Regulations 1986* shall apply in relation to the taking of oysters from the waters of the Chatham Islands shellfish fishery or to oysters taken from those waters.”

5. Prohibitions relating to dredging for scallops—Regulation 11c of the principal regulations (as inserted by regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 4) is hereby amended by adding the following subclause:

“(3) Nothing in subclause (2) of this regulation prevents a commercial fisherman from using spring-loaded tines on a dredge when dredging for scallops in the Chatham Islands shellfish fishery.”

DIANE WILDERSPIN,
Acting for 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 1 October 1995, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

Regulation 2 rolls over the provision that prohibits large vessels from trawling in the salmon conservation area in the Canterbury Bight. The previous prohibition applied in respect of the period beginning on 7 December 1994 and ending with the close of 14 February 1995. The rolled over prohibition applies in respect of the period beginning on 7 December 1995 and ending with the close of 14 February 1996.

Regulation 3 provides that no commercial fisherman shall use in the Chatham Islands shellfish fishery more than 2 dredges either of which has a bar or bit exceeding 2.5 metres in length.

This provision is, in the case of the Chatham Islands shellfish fishery, in substitution for the provisions of regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986. Under that regulation no commercial fisherman may use—

- (a) More than one dredge having a bar or bit exceeding 2.5m in length; or
- (b) More than 2 dredges either of which has a bar or bit exceeding 1.4m in length.

Regulation 4 changes the closed oyster season that applies in relation to the Chatham Islands shellfish fishery. That closed season, by virtue of regulation 11f (as substituted by this regulation), commences in each year on 1 January and ends in each year with the close of 31 August.

The closed oyster season that applied in relation to the Chatham Islands shellfish fishery under regulation 11f (as inserted into the principal regulations in 1990) commenced on 1 August in each year and ended with the close of the last day of February in the next year.

The closed oyster season for the waters of the South Island is prescribed by regulation 24 of the Fisheries (Commercial Fishing) Regulations 1986. That closed season commences on 1 September in each year and ends with the last day of February in the following year.

Regulation 5 allows a commercial fisherman to use spring-loaded tines on a dredge when dredging for scallops in the Chatham Islands shellfish fishery.

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

Date of notification in *Gazette*: 31 August 1995.

These regulations are administered in the Ministry of Fisheries.