



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)  
REGULATIONS 1986, AMENDMENT NO. 21**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of September 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His 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 (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 21, 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  
 Amendment No. 17: S.R. 1994/174  
 Amendment No. 18: S.R. 1995/36  
 Amendment No. 19: S.R. 1995/175  
 Amendment No. 20: S.R. 1995/236

(2) Subject to subclause (3) of this clause, these regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

(3) Regulation 6 of these regulations shall come into force on 1 October 1996.

**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 inserting, in its appropriate alphabetical order, the following definition:

“‘Male shortfinned eel migration area’ means those waters of Lake Ellesmere lying between a straight line drawn from the site of a marker pole situated at 43° 50.58’S and 172° 24.94’E to the site of a marker pole situated at 43° 50.46’S and 172° 21.93’E and a straight line drawn from the site of a marker pole situated at 43° 51.44’S and 172° 22.25’E to the site of a marker pole situated at 43° 51.37’S and 172° 22.28’E.”

**3. 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 2(1) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 19), 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 1996 and ending with the close of the 14th day of February 1997 (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*, *Ihawai*, *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.

“(3) When 5 tonnes of salmon have been taken from the salmon conservation area during the period specified in subclause (1) of this regulation pursuant to regulation 30A(3) of the Fisheries (Commercial Fishing) Regulations 1986, the chief executive shall—

“(a) Give public notice of that fact in a newspaper circulating in the Christchurch region and by such other means as the chief executive considers appropriate; and

“(b) Shall specify in that notice a date (being a date later than that of the publication of the notice) after which no commercial fisherman may take salmon from the salmon conservation area.

“(4) 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 chief executive, 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 chief executive:

“(b) The chief executive 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 Sports Goods 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.

“(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 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 19 is hereby consequentially revoked.

**4. Eels**—(1) The principal regulations are hereby amended by revoking regulation 11 and also the heading “*Eeling*” immediately preceding that regulation.

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 9 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 14:
- (b) Regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 15:
- (c) Regulation 4 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 17.

**5. New regulations inserted**—The principal regulations are hereby amended by inserting, after regulation 11M, the following regulations:

“11N. **Taking of eels from Lakes Forsyth and Ellesmere restricted**—(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; or
- “(d) Wainono Lagoon.

(2) No commercial fisherman shall take eels from those waters of Lake Ellesmere lying in a westerly direction from a straight line drawn due South from the site of a post on the north bank (at approximately 43° 51.37’S and 172° 22.28’E) to the site of a post on the south bank of the arm of Lake Ellesmere near Taumutu (at approximately 43° 51.44’S and 172° 22.25’E), nor from any streams flowing into those waters.

“(3) Notwithstanding regulation 21 (2) of the Fisheries (Commercial Fishing) Regulations 1986,—

“(a) in respect of the period of 12 months beginning on the 30th day of September 1993, 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.

“(4) Notwithstanding regulations 31G and 49 of the Fisheries (Commercial Fishing) Regulations 1986, no commercial fisherman shall use any fyke net to take eels from Lake Ellesmere unless there are incorporated behind the last trap or throat, and before the last part of the net capable of holding eels while in the water, 2 escapement tubes that are not less than 22 mm in inside diameter, except that both ends of the tube shall be not less than 26 mm in inside diameter.

“(5) Subclause (4) of this regulation does not apply to the use of any fyke net in the male shortfinned eel migration area during the period commencing on the 1st day of February 1997 and ending on the 31st day of March 1997.

“110. **Eel fishing in male shortfinned eel migration area from 1 February to 31 May 1997**—(1) No commercial fisherman shall take or be in the possession of eels from the waters of the male shortfinned eel migration area during the period commencing on the 1st day of April 1997 and ending on the 31st day of May 1997.

“(2) Without limiting subclause (1) of this regulation and notwithstanding regulation 11N(3) of these regulations, the maximum weight of any eel that may be taken or possessed from the male shortfinned eel migration area during the period commencing on the 1st day of February 1997 and ending on the 31st day of March 1997 shall not exceed 300g and no minimum weight shall apply to any eel that may be taken or possessed from the male shortfinned eel migration area during that period.

“(3) Without limiting anything in these regulations, no commercial fisherman shall take eels from the waters of the male shortfinned eel migration area during the period referred to in subclause (2) of this regulation without the consent of the chief executive, which consent may be given subject to such conditions as the chief executive may impose.

“(4) Notwithstanding regulation 21(3) of the Fisheries (Commercial Fishing) Regulations 1986 (as inserted by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) a person may sell, or possess for sale, or process for sale any eel that is less than the relevant length or weight specified in that regulation where the eel sold, or possessed for sale, or processed for sale is taken lawfully in accordance with this regulation.”

**6. Species that may be taken subject to competitive or individual quotas, method restrictions, etc.**—Regulation 11AB(1) of the principal regulations (as inserted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8) is hereby amended by omitting the words “Jack mackerel”.

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 the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986 in relation to the salmon conservation area adjacent to Banks Peninsula and to eeling.

*Regulation 3* revokes and replaces the existing regulation 4B in relation to trawling by large vessels in the salmon conservation area adjacent to Banks Peninsula. The new regulation provides more flexibility by removing existing individual catch limits but prescribing an overall catch limit of 5 tonnes during the period 7 December 1996 to 14 February 1997.

*Regulations 4 and 5* revoke the existing regulation 11 which relates to eeling, and substitute new regulations 11N and 11O which make special provision for eel fishing in the male shortfinned eel migration area during the period 1 February to 31 May 1997.

*Regulation 6* omits "Jack mackerel" from regulation 11AB (1) of the principal regulations as a consequence of section 367 of the Fisheries Act 1996.

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

Date of notification in *Gazette*: 26 September 1996.

These regulations are administered in the Ministry of Fisheries.