



**THE FISHERIES (CENTRAL AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 2**

THOMAS EICHELBAUM
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 2nd day of October 1989

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 2, and shall be read together with and deemed part of the Fisheries (Central Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of November 1989.

2. Interpretation—The principal regulations are hereby amended by revoking regulation 2, and substituting the following regulation:

“2. (1) In these regulations, unless the context otherwise requires,—

“‘Anchovy’ means the fish *Engraulis australis*:

“‘Commercial fisherman’ means any person who has a fishing permit issued under section 63 of the Fisheries Act 1983 entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—

“(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and

“(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:

“‘Cockle’ means the mollusc *Chione (Austrovenus) stutchburyi*:

“‘Cooks turban’ means the shellfish *Cookia sulcata*:

“‘Crab’ means the paddle or swimming crab of which the scientific name is *Ovalipes catharus*:

“‘Danish seine net’ means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

“(a) Has a buoyancy system on the top edge; and

“(b) Is weighted on the bottom edge; and

“(c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:

“‘Danish seining’ means the use of a Danish seine net:

“‘Day’ means a period of 24 hours computed from midnight to midnight:

“‘Dog cockle’ means the shellfish *Glycymeris laticostata*:

“‘Durvillaea’ means seaweeds of the Genus *Durvillaea*:

“‘Ecklonia’ means seaweeds of the Genus *Ecklonia*:

“‘Eel’ means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*):

“‘Finfish’ includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes):

“‘Garfish’ means the fish (also commonly known as piper), whose scientific name is *Hyporhamphus thi*:

“‘Hagfish’ means the common hagfish, or blind eel of which the scientific name is *Eptatretus cirrhatu*:

*S.R. 1986/217

Amendment No. 1: S.R. 1986/252

- “ ‘Hand-gathering’ includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus:
- “ ‘Kina’ means the shellfish of which the scientific name is *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin, of which the scientific name is *Centrostephanus rogersii*:
- “ ‘King clam’ means shellfish of the Genus *Panopea*:
- “ ‘Lamprey’ means the fish *Geotria australis*:
- “ ‘Limpet’ means shellfish of the Genus *Cellana* or *Notoacmea*:
- “ ‘Macrocystis’ means seaweeds of the Genus *Macrocystis*:
- “ ‘Munida’ means the crustacean *Munida gregaria*:
- “ ‘Mud snail’ means the shellfish *Amphibola crenata*:
- “ ‘Mussel’ means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):
- “ ‘Net’ includes any net or part of a net used or capable of being used to take fish; but does not include a whitebait net:
- “ ‘Octopus’ means the shellfish *Octopus maorum*:
- “ ‘Overall length’ means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:
- “ ‘Pair trawling’ means using a trawl net that is towed or hauled through the water by more than one vessel:
- “ ‘Paua’ includes ordinary paua (*Haliotis iris*), yellow foot paua (*Haliotis australis*), and virgin paua (*Haliotis virginea*):
- “ ‘Pilchard’ means the fish *Sardinops neopilchardus*:
- “ ‘Pipi’ means the shellfish *Paphies australis*:
- “ ‘Rock lobster’ means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):
- “ ‘Rock lobster pot’ means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “ ‘Sea cucumber’ means a Holothurian of the Genus *Stichopus*:
- “ ‘Sea horse’ means the fish *Hippocampus abdominalis*:
- “ ‘Sea tulip’ means the Ascidian *Pyura pachydermatina*:
- “ ‘Set net’ includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- “ ‘Snapper’ means the fish of which the scientific name is *Chrysophrys auratus*:
- “ ‘Sponge’ means animal of the Phylum *Porifera*:
- “ ‘Sprat’ means fish of the Genus *Sprattus*:
- “ ‘Surf clam’ means shellfish of the species *Mactra murchisoni*, *Mactra discors*, *Spisula aequilateralis*, *Paphies donacina*, *Dosinia anus*, *Basina yatei*, or *Dosinia subrosa*:
- “ ‘Surrounding net’ includes a drag net, Danish seine net, drum seine net, purse seine net, lampara net, and all modes of fishing whereby fish are encircled:

“‘Trawl net’ means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

“(a) Has a buoyancy system in the top edge; and

“(b) Is weighted on the bottom edge; and

“(c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—
but does not include a Danish seine net:

“‘Tuatua’ means the shellfish *Paphies subtriangulata*:

“‘Ulva’ means seaweeds of the Genus *Ulva*:

“‘Undaria’ means seaweed of the Genus *Undaria*:

“‘Whelk’ means shellfish of the species *Struthiolaria papulosa*, *Cominella maculosa*, *Cominella glandiformis*, *Haustrum haustorium*, or *Buccinum vittatum*:

“‘Whitebait net’ means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait:

“‘Zostera’ means seaweeds of the Genus *Zostera*.

“(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986*.”

3. Taking seaweed prohibited in certain areas—The principal regulations are hereby amended by inserting, after regulation 13, the following regulation:

“13A. (1) No commercial fisherman shall take or have in possession any seaweed taken from any of the following areas:

“(a) *Cape Kidnappers*: Within a 1 nautical mile radius of Cape Kidnappers (at 30°38.6’S and 177°42.1’E):

“(b) *Porongahau Estuary*: Within a 3 nautical mile radius of Porongahau River Mouth (at 40°15.4’S and 176°42.1’E):

“(c) *Herbertville Beach*: Within a 2 nautical mile radius of Wainui River Mouth (at 40°29.8’S and 176°33.7’E):

“(d) *Owahanga River Mouth and beach*: Within a 2 nautical mile radius of the Owahanga River Mouth (at 40°40.8’S and 176°21.2’E):

“(e) *Castlepoint*: Within a half nautical mile radius of the Castlepoint basin (at 40°54.7’S and 176°13.4’E):

“(f) *Cape Palliser*: Within a 1 nautical mile radius of the Cape Palliser lighthouse (at 41°36.9’S and 175°17.3’E).

“(2) Nothing in subclause (1) of this regulation shall apply to the taking of any seaweed of the class *Rhodophyceae* that is floating free and unattached, or that has been cast ashore.”

4. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 14, the following regulations:

“14A. **Taking of certain fish, aquatic life, and seaweed prohibited**—(1) No person shall take from the waters of quota management area 2 or quota management area 8, for the purpose of sale, any fish, aquatic life, or seaweed specified in the following table, or be in possession of any such fish, aquatic life, or seaweed taken for that purpose from either of those waters:

“Prohibited Fish, Aquatic Life, and Seaweed

- “Cooks turban
- “Dog cockle
- “King clam
- “Limpet
- “Mud snail
- “Munida
- “Pipi
- “Seaweed—*Durvillaea*
Ecklonia
Macrocystis
Ulva
Undaria
- “Tuatua
- “Whelk
- “Cockle
- “Surf clam.

“(2) Notwithstanding subclause (1) of this regulation but subject to the Fisheries Act 1983 and any other regulations made under that Act, the Director-General may, on receipt of an application in writing, authorise any person to take for sale any fish, aquatic life, or seaweed to which subclause (1) of this regulation applies, and the Director-General may give such authorisation either conditionally or unconditionally.

“(3) No commercial fisherman shall take from the waters of quota management area 2 or quota management area 8, for the purpose of sale, any fish, aquatic life, or seaweed specified in the following table, or be in possession of any such fish, aquatic life, or seaweed taken for that purpose from either of those waters:

“Prohibited Fish, Aquatic Life, and Seaweed

- “Blue mussel
- “Green mussel
- “Horse mussel
- “Lamprey
- “Sea horse
- “Sea tulip
- “Sponge
- “Seaweed—*Zostera*.

“14B. **Kina season and quotas**—(1) Where the Director-General is satisfied in respect of any fishing year that 350 tonnes of kina (green weight) have been taken from the waters of quota management area 2, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any kina from those waters during that fishing year.

“(2) Where the Director-General is satisfied in respect of any fishing year that 50 tonnes of kina (green weight) have been taken from the waters of quota management area 8, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date

later than the publication of the notice) after which no commercial fisherman may take any kina from those waters during that fishing year.

“(3) No commercial fisherman shall, on any day, take from the waters of quota management area 2 or quota management area 8 more than 900 kilogrammes of kina (green weight), or be in possession of more than 900 kilogrammes of kina (green weight) taken from those waters.

“(4) No commercial fisherman shall take any kina from the waters between the south bank of the Tukituki River (at 39°36.1'S and 176°56.2'E) and the mouth of the Waipuku Stream (at 39°44.0'S and 177°0.6'E).

“(5) No commercial fisherman shall take any kina from the waters of quota management area 2 or quota management area 8, for the purpose of sale, by any means other than hand-gathering.

“14c. **Sea cucumber season and quotas**—(1) No commercial fisherman shall take any sea cucumber from the waters of quota management area 2 or quota management area 8, for the purpose of sale, by any means other than hand-gathering.

“(2) Where the Director-General is satisfied in respect of any fishing year that 15 tonnes of sea cucumber (green weight) have been taken from the waters of quota management area 2, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any sea cucumber from those waters during that fishing year.

“(3) Where the Director-General is satisfied in respect of any fishing year that 15 tonnes of sea cucumber (green weight) have been taken from the waters of quota management area 8, for the purpose of sale, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any sea cucumber from those waters during that fishing year.

“14d. **Taking of certain paddle crabs prohibited**—No commercial fisherman shall take from the waters of quota management area 2 or quota management area 8 any paddle crab that is carrying any external eggs or from which any of the external eggs have been removed by artificial means, or be in possession of any such paddle crab if it has been taken from either of those waters.

“14e. **Restriction on method of fishing for paddle crabs, octopus, and hagfish**—(1) No commercial fisherman shall use any methods other than hand-gathering or the use of a pot (not being a rock lobster pot) to fish for any paddle crab, octopus, or hagfish in the waters of quota management area 2 or quota management area 8.

“(2) Nothing in subclause (1) of this regulation shall apply to any commercial fisherman who is lawfully fishing for any rock lobster in either of those waters.

“(3) Nothing in subclause (1) of this regulation shall apply to any commercial fisherman who takes any paddle crab, octopus, or hagfish as an inevitable consequence of the lawful taking of other fish, aquatic life, or seaweed.

“14F. Season and quotas for anchovy, garfish, pilchards, and sprats—(1) Where the Director-General is satisfied in respect of any fishing year that 20 tonnes of pilchards or 20 tonnes of garfish or 20 tonnes of anchovies or sprats or both have been taken for the purpose of sale from the waters of quota management area 2, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any fish to which that notice relates from those waters during that fishing year.

“(2) Where the Director-General is satisfied in respect of any fishing year that 20 tonnes of pilchards or 20 tonnes of garfish or 20 tonnes of anchovies or sprats or both have been taken for the purpose of sale from the waters of quota management area 8, the Director-General shall give public notice of that fact by such means as the Director-General considers appropriate and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any fish to which that notice relates from those waters during that fishing year.

“14G. Restrictions on use of nets and dredges—(1) No commercial fisherman shall use any trawl net, set net, or surrounding net to take any fish or aquatic life from the waters of quota management area 2 or quota management area 8, unless that method of netting is specifically authorised by a fishing permit held by that commercial fisherman.

“(2) No commercial fisherman shall use any dredge to take any fish or aquatic life from the waters of quota management area 2 or quota management area 8, unless that method is specifically authorised by a fishing permit held by that commercial fisherman.

“14H. Restriction on method of taking seaweed—(1) No person shall take any seaweed from the waters of quota management area 2 or quota management area 8 by any method other than hand-gathering.

“(2) Nothing in subclause (1) of this regulation shall apply to the taking of seaweed of the class *Rhodophyceae* that is floating free and unattached, or that has been cast ashore.

“14I. Taking eels from waters of National Parks prohibited—(1) No commercial fisherman shall take any eel from the waters of any National Park within quota management area 2 or quota management area 8.

“(2) For the purposes of this regulation, ‘National Park’ means any area declared to be a National Park pursuant to the provisions of the National Parks Act 1980.”

5. Offences—Regulation 16 (1) of the principal regulations is hereby amended by omitting the expression “and 10”, and substituting the expression “10, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, and 14I”.

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 1 November 1989, amend the Fisheries (Central Area Commercial Fishing) Regulations 1986.

The principal amendments are as follows:

- (a) New *regulation 13A* prohibits the taking of seaweed by commercial fishermen in specified areas. The areas affected are Cape Kidnappers, Porongahau Estuary, Herbertville Beach, Owahanga River Mouth and beach, Castlepoint, and Cape Palliser.
- (b) New *regulation 14A* imposes restrictions on the taking of fish, aquatic life, and seaweed for sale:
- (c) New *regulation 14B* imposes a new regime for the kina season. After a specified weight of kina has been taken, the Director-General is required to give public notice of that fact and specify a subsequent date after which commercial fishermen may not take kina during that season:
- (d) New *regulation 14C* imposes a similar regime for sea cucumbers:
- (e) New *regulation 14D* prohibits the taking of paddle crabs carrying external eggs:
- (f) New *regulation 14E* restricts the methods by which any paddle crab, octopus, or hagfish may be taken for sale:
- (g) New *regulation 14F* imposes a new regime similar to that in new *regulation 14B* for the anchovy, garfish, pilchard, and sprat season:
- (h) New *regulation 14G* restricts the use of nets and dredges:
- (i) New *regulation 14H* prohibits the taking of seaweed by any method other than hand-gathering:
- (j) New *regulation 14I* prohibits the taking of eels in National Park waters.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 October 1989.

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