



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)  
REGULATIONS 1986, AMENDMENT NO. 7**

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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.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7, and shall be read together with and deemed part of the Fisheries (Challenger 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*:

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

“‘Cod-end’ means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

“(a) Carried on a vessel not exceeding 10m overall length, not less than the last 3m of net:

“(b) Carried on a vessel 10m or more but less than 20m overall length, not less than the last 5m of net:

“(c) Carried on a vessel 20m or more but less than 30m overall length, not less than the last 10m of net:

“(d) Carried on a vessel 30m or more but less than 40m overall length, not less than the last 15m of net:

“(e) Carried on a vessel 40m or more overall length, not less than the last 20m of net:

“‘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:

“‘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:

\*S.R. 1986/218

Amendment No. 1: S.R. 1986/258

Amendment No. 2: S.R. 1987/109

Amendment No. 3: S.R. 1987/262

Amendment No. 4: (Revoked by S.R. 1989/241)

Amendment No. 5: (Revoked by S.R. 1989/241)

Amendment No. 6: S.R. 1989/241

- “Day’ means a period of 24 hours computed from midnight to midnight:
- “Dog cockle’ means the shellfish *Glycymeris laticostata*:
- “Drag net’ or ‘beach 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 by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:
- “Dredge’ means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring dredge:
- “Durvillaea’ means seaweeds of the Genus *Durvillaea*:
- “Ecklonia’ means seaweeds of the Genus *Ecklonia*:
- “Garfish’ means the fish (also commonly known as piper), whose scientific name is *Hyporhamphus ihi*:
- “Hagfish’ means the common hagfish, or blind eel of which the scientific name is *Eptatretus cirrhatus*:
- “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 capable of being used to take fish; but does not include a whitebait net:
- “Octopus’ means the shellfish *Octopus maorum*:
- “Otter board’ means any device, including a paravane, used or capable of being used to keep a net or a trawl net open:
- “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:
- “Oyster’ includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*) and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster:
- “Pair trawling’ means using a trawl net that is towed or hauled through the water by more than one vessel:
- “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:
- “ ‘Scallop’ means the mollusc *Pecten novaeselandiae*:
- “ ‘Sea cucumber’ means a Holothurian of the Genus *Stichopus*:
- “ ‘Sea horse’ means the fish *Hippocampus abdominalis*:
- “ ‘Sea tulip’ means Ascidians of the Genus *pyura*:
- “ ‘Sponge’ means animal of the *Phylum Porifera*:
- “ ‘Sprat’ means fish of the Genus *Sprattus*:
- “ ‘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*:
- “ ‘Surf clam’ means shellfish of the species *Maetra murchisoni*, *Maetra 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. Prohibitions relating to outer Queen Charlotte Sound**—The principal regulations are hereby amended by inserting, after regulation 3, the following regulation:

“3A. (1) No commercial fisherman shall use for fishing or be in possession of a drag net at any time in outer Queen Charlotte Sound, being those waters inside a line drawn from Cape Jackson (at 40° 59.8’S and

174° 18.9'E) to Cape Koamaru (at 41° 05.5'S and 174° 23'E) and a line drawn from East Head (at 41° 12.8'S and 174° 19.4'E) and West Head (at 41° 12.9'S and 174° 18.9'E) and seaward of a line drawn between Karaka Point (at 41° 15.20'S and 174° 03.90'E) to Pihaka Point (at 41° 13.95'S and 174° 2.36'E), if—

“(a) The length of the net, excluding any attached warps, rope, chain or material, exceeds 165 m; or

“(b) The total length of the net exceeds 200 m; or

“(c) The net contains a bag or cod-end.

“(2) No commercial fisherman shall at any time take any snapper using a drag net in the waters described in subclause (1) of this regulation, or be in possession of any snapper taken by the use of a drag net in those waters.

“(3) No commercial fisherman shall use for fishing or be in possession of any drag net or lampara net in the waters of Queen Charlotte Sound enclosed by a line drawn from Karaka Point (at 41° 15.20'S and 174° 03.90'E) to Pihaka Point (at 41° 13.95'S and 174° 2.36'E).

“(4) Notwithstanding anything in the Fisheries (Commercial Fishing) Regulations 1986, a commercial fishman may use a set net with a mesh size of less than 25mm in the waters described in subclause (1) or subclause (3) of this regulation, if—

“(a) The total height of any such net does not exceed 1m; and

“(b) The entire bottom length of any such net, when set, is in contact with the sea bed.”

**4. Drag netting restricted in Pelorus Sound**—Regulation 4 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) No commercial fisherman shall use for fishing or be in possession of a drag net or lampara net in Pelorus Sound, being those waters enclosed by a line commencing from Turn Point Light (at 41° 08.7'S and 173° 52'E) to Penguin Bay reef (at 41° 08.1'S and 173° 51.1'E) and from Sheep Point (at 41° 01.2'S and 173° 48.8'E) to Camel Point (at 41° 02'S and 173° 48.6'E) to Cregoe Point (at 41° 03.3'S and 173° 49.9'E).”

**5. Taking of shellfish and kina prohibited in certain parts of Queen Charlotte Sound**—The principal regulations are hereby amended by inserting, after regulation 9, the following regulation:

“9A. (1) No commercial fisherman shall take any shellfish or be in possession of any shellfish taken from the waters of Onauku Bay, Queen Charlotte Sound, lying inside a line drawn from the mean high water mark of the point of Ngakuta Bay (at 41° 08.5'S and 174° 21.5'E) and running due east to the mean high water mark on the opposite shore (at 41° 08.5'S and 174° 22.4'E).

“(2) No commercial fisherman shall take any kina or be in possession of any kina taken from the waters lying inside a straight line drawn from the northern extremity of Opani-Aputa Point (at 41° 04.7'S and 173° 58.5'E) to the southern extremity of Whakamawahi Point (at 41° 03.5'S and 173° 58.5'E).”

**6. Fishing in Tasman Bay and Golden Bay**—Regulation 11 of the principal regulations is hereby amended by omitting from paragraph (b) the word “fish”, and substituting the word “snapper”.

**7. 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 7, 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 7, 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*

“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 150 tonnes of kina (green weight) have been taken from the waters of quota management area 7, 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) No commercial fisherman shall, on any day, take from the waters of quota management area 7 more than 900 kilograms of kina (green weight), or be in possession of more than 900 kilograms of kina (green weight) taken from those waters.

“14C. **Restriction on method of taking of kina, mussels, and sea cucumber**—No commercial fisherman shall take any kina, mussel, or sea cucumber from the waters of quota management area 7, for the purpose of sale, by any method other than hand-gathering, unless that method is specifically authorised by a fishing permit held by that commercial fisherman.

“14D. **Sea cucumber season and quota**—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 7, 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.

“14E. **Taking of certain paddle crabs prohibited**—No commercial fisherman shall take from the waters of quota management area 7 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 those waters.

“14F. **Restriction on method of taking of paddle crabs, octopus, or 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 7.

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

“14G. **Season and quotas for anchovy, garfish, pilchards, and sprats**—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 7, 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.

“14H. **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 7, 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 7, unless that method is specifically authorised by a fishing permit held by that commercial fisherman.

“14I. **Restriction on method of taking seaweed**—(1) No commercial fisherman shall take any seaweed from the waters of quota management area 7 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.

“14J. **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 7.

“(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.”

**8. Offences**—Regulation 15 (1) of the principal regulations is hereby amended by omitting the expression “5 to 13”, and substituting the expression “5 to 14j”.

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

The principal amendments are as follows:

- (a) New regulation 3A prohibits the use of drag nets in outer Queen Charlotte Sound:
- (b) New regulation 9A imposes restrictions on the taking of kina and shellfish in Onauku Bay, Queen Charlotte Sound:
- (c) New regulation 14A imposes restrictions on the taking of fish, aquatic life, and seaweed for sale:
- (d) 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:
- (e) New regulation 14C restricts the method of taking of kina, mussels, and sea cucumbers:
- (f) New regulation 14D imposes a regime for the taking of sea cucumbers and is similar to new regulation 14B:
- (g) New regulation 14E prohibits the taking of paddle crabs carrying external eggs:
- (h) New regulation 14F restricts the methods by which any paddle crab, octopus, or hagfish may be taken for sale:
- (i) New regulation 14C imposes a new regime for the anchovy, garfish, pilchard, and sprat season and is similar to new regulation 14B:
- (j) New regulation 14H restricts the use of nets and dredges:
- (k) New regulation 14I prohibits the taking of seaweed by any method other than hand-gathering:
- (l) New regulation 14J prohibits the taking of eels in National Park waters.

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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.