



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 9**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 25th day of November 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 9, 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 7th day of December 1991.

*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: S.R. 1990/339
Amendment No. 6: S.R. 1991/58
Amendment No. 7: S.R. 1991/108
Amendment No. 8: S.R. 1991/163

2. Trawling by large vessels prohibited during certain periods in certain waters adjacent to Banks Peninsula—(1) The principal regulations are hereby amended by revoking regulation 4B (as substituted by regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 5), 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 of 23 metres or more in overall length, or with a power rating of 250 kW or more, for trawling in the waters to which this regulation applies during the period commencing on the 7th day of December 1991 and ending on the 14th day of February 1992 (both dates inclusive).

“(2) The registered fishing vessels *Ikanui*, *Tengawai*, *Explorer Douglas*, *Tasman Explorer*, *Galatea II*, and *Astro Carina* may be used for trawling in the waters to which this regulation applies 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 *Ikanui*, *Tengawai*, *Explorer Douglas*, *Tasman Explorer*, and *Galatea II*, 790 kg per vessel:

“(ii) In the case of the vessel *Astro Carina*, 650 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 in the waters to which this regulation applies.

“(3) 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 waters to which this regulation applies to take any amounts of salmon not exceeding in the aggregate the sum of the maximum amounts specified in respect of each of those vessels by that subclause.

“(4) This regulation applies to those waters adjacent to Banks Peninsula enclosed by a line commencing at East Head, Okains Bay (at 43° 41.1' S and 173° 05.2' E); then proceeding on a true bearing of 045° to a point 43° 36.2' S and 173° 11.09' 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° 00.5' S and 172° 58.7' E; then proceeding due north to Akaroa Head (at 43° 53.5' S and 172° 58.7' E); then proceeding generally in a northerly direction along the mean high water mark to the point of commencement.”

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 2 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 3 (S.R. 1988/320):

(b) The Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 5 (S.R. 1990/339).

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 7 December 1991, revoke and replace regulation 4B of the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

The new regulation 4B (which prohibits large fishing vessels trawling in certain waters around Banks Peninsula)—

- (a) Continues the prohibition during the period 7 December 1991 to 14 February 1992; but
- (b) Permits the vessels *Ikanui*, *Tengawai*, *Explorer Douglas*, *Tasman Explorer*, and *Galatea II* to trawl in the prohibited waters during the closed period and to each take 790 kg of salmon as bycatch; and
- (c) Permits the vessel *Astro Carina* to trawl in those waters during the closed period and to take 650 kg of salmon as bycatch; and
- (d) Permits the salmon bycatch limit to be transferred between vessels where they are owned by the same person.

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

Date of notification in *Gazette*: 28 November 1991.

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