



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 17**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of September 1993

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
2. Interpretation
3. New regulations inserted

Certain Fishing Methods Prohibited

- 3A. Certain fishing methods prohibited in defined areas

Minimum Set Net Mesh Size

- 3B. Minimum set net mesh size
- 3C. Set net soak times
4. Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised
5. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing)

Regulations 1986, Amendment No. 17, and shall be read together with and deemed part of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 30th day of September 1993.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations (as substituted by regulation 2 (1) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11) is hereby amended by omitting from the definition of the term “set net” the words “drift net, trammel net,”.

(2) Regulation 2 (1) of the principal regulations (as so substituted) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Blue moki” means a fish of the species *Latridopsis ciliaris*:

“Hapuku/bass” means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*:

“School shark” means a fish of the species *Galeorhinus australis*.”.

3. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 3, the following headings and regulations:

“Certain Fishing Methods Prohibited

“3A. Certain fishing methods prohibited in defined areas—(1) No commercial fisherman shall use for taking fish a box or teichi net, purse seine net, Danish seine, trawl net, lampara net, or set nets of a total length exceeding 1000 m, within the following waters:

“(a) *Bluff Harbour*: All those waters of Bluff Harbour enclosed within an area from Tiwai Point commencing at a point (at 46° 36.23’S and 168° 22.26’E) and across to Stirling Point at a point (at 46° 36.83’S and 168° 21.62’E):

“(b) *The Fiords*:

“(i) *Bligh Sound*: All those waters in Bligh Sound to the east of a line drawn between Tommy Point (at 44° 44.70’S and 167° 31.0’E) and Chasland Head (at 44° 46.0’S and 167° 29.0’E):

“(ii) *George Sound*: All those waters in George Sound to the east of a line drawn between a point on the coast (at 44° 48.80’S and 167° 23.80’E) and a point on the southern entrance to the sound (at 44° 50.0’S and 167° 22.0’E):

***S.R. 1986/220**

Amendment No. 1:	S.R. 1986/255
Amendment No. 2:	S.R. 1987/19
Amendment No. 3:	S.R. 1988/16
Amendment No. 4:	S.R. 1988/103
Amendment No. 5:	S.R. 1988/313
Amendment No. 6:	S.R. 1989/199
Amendment No. 7:	S.R. 1989/323
Amendment No. 8:	(Revoked by S.R. 1992/204)
Amendment No. 9:	S.R. 1990/216
Amendment No. 10:	(Revoked by S.R. 1992/86)
Amendment No. 11:	S.R. 1991/164
Amendment No. 12:	S.R. 1992/86
Amendment No. 13:	S.R. 1992/204
Amendment No. 14:	S.R. 1992/235
Amendment No. 15:	S.R. 1992/302
Amendment No. 16:	S.R. 1993/49

“(iii) *Caswell Sound*: All those waters in Caswell Sound to the east of a line drawn from a point on the coast (at 44° 58.40’S and 167° 08.70’E) and McKerr Point (at 44° 59.30’S and 167° 08.20’E);

“(iv) *Charles Sound*: All those waters in Charles Sound to the east of a line drawn from Islet Point (at 45° 00.80’S and 167° 05.80’E) and Hawes Head (at 45° 02.50’S and 167° 04.70’E);

“(v) *Nancy Sound*: All those waters in Nancy Sound to the east of a line drawn from Burnett Point (at 45° 06.25’S and 167° 01.70’E) and Anxiety Point (at 45° 06.55’S and 167° 01.0’E);

“(vi) *Thompson Sound*: All those waters of Thompson and Bradshaw Sounds to the east of a line drawn from Shanks Head (at 45° 08.33’S and 166° 58.35’E) and Colonial Head on Secretary Island (at 45° 08.70’S and 166° 57.50’E);

“(vii) *Doubtful Sound*: All those waters of Doubtful Sound to the east of a line drawn between a point on Secretary Island (at 45° 15.0’S and 166° 51.80’E) and Febrero Point (at 45° 17.10’S and 166° 50.30’E);

“(viii) *Daggs Sound*: All those waters of Daggs Sound to the east of a line drawn between Cast-Off Point (at 45° 22.70’S and 166° 46.80’E) and Towing Head (at 44° 24.0’S and 166° 45.80’E);

“(ix) *Breaksea Sound*: All those waters of the Sounds to the east of a line drawn between Oliver Point (at 45° 34.70’S and 166° 40.50’E) and a point on Resolution Island (at 45° 36.55’S and 166° 36.60’E);

“(x) *Dusky Sound*: All those waters of the Sounds to the east of a line drawn between Five Fingers Point on Resolution Island (at 45° 44.70’S and 166° 27.70’E) and South Point (at 45° 49.0’S and 166° 28.10’E);

“(xi) *Preservation and Chalky Sound*: All those waters of the Sounds to the east of a line drawn from Cape Providence (at 46° 00.90’S and 166° 28.50’E) and Puysegur Point (46° 10.0’S and 166° 37.80’E);

“(c) *Paterson Inlet, Stewart Island*: All those waters of Paterson Inlet lying generally south and east of a line from the eastern end of Sawyers Beach commencing at a point (at 46° 49.85’S and 168° 05.24’E), then across to Fish Rock at a point (at 46° 51.55’S and 168° 10.22’E), then across to Passage Island (Whero Rock) at a point (at 46° 54.83’S and 168° 12.40’E), finishing at the eastern most tip of The Neck at a point (at 46° 55.73’S and 168° 12.02’E).

“(2) No commercial fisherman shall set any net within 60 metres of any other net in any of the waters defined in subclause (1) of this regulation.

“Minimum Set Net Mesh Size

“3B. **Minimum set net mesh size**—Notwithstanding regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986, the mesh size of any set net used or possessed by any commercial fisherman in the Southland

and Sub-Antarctic Fishery Management Areas shall not be less than the appropriate size specified in the following table:

Species of Fish	Minimum Set Net Mesh Size (mm)
Blue moki	114
Bluenose	160
Hapuku/bass	160
Kahawai	90
Yellow-eyed mullet	90
School shark	150
Snapper	125

“Set Net Soak Times

“3c. **Set net soak times**—No commercial fisherman shall leave any set net within the Southland and Sub-Antarctic Fishery Management Areas for more than 24 hours without underrunning the net and removing any fish that have been caught.”

4. Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised—Regulation 15CA of the principal regulations (as substituted by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11) is hereby amended—

- (a) By inserting in Part A of the table set out in subclause (5), in its appropriate alphabetical order, the species “Garfish”;
- (b) By omitting from Part B of the said table the species “Garfish”.

5. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.—(1) Regulation 15CB of the principal regulations (as substituted by regulation 5 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11) is hereby amended by omitting the words “any regulations or”, and substituting the words “to subclause (2) of this regulation and any other regulation and any”.

(2) Regulation 15CB of the principal regulations (as so substituted) is hereby amended by inserting after the table, as subclause (2), the following subclause:

“(2) Subject to the Act and any regulations made under the Act, a commercial fisherman may take from the waters of quota management area 5 or quota management area 6 any fish, aquatic life, or seaweed specified in the table set out in subclause (1) of this regulation, or be in possession of any such fish, aquatic life, or seaweed, if the fish, aquatic life, or seaweed is taken by the commercial fisherman as an inevitable consequence of the lawful taking of any other species or class of fish, aquatic life, or seaweed under the authority of a current fishing permit held by that commercial fisherman.”

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 30 September 1993, amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

The principal changes are as follows:

- (a) The use of a box or teichi net, purse seine net, Danish seine net, trawl net, lampara net, or set nets of a total length in excess of 1000 m in length is prohibited in the waters of Bluff Harbour, the Fiords, and Paterson Inlet (Stewart Island) (*regulation 3*);
- (b) Minimum set net mesh sizes are imposed for certain species (*regulation 3*);
- (c) A set net must not be left in the water for more than 24 hours without underrunning the net and removing any fish that have been caught (*regulation 3*);
- (d) Garfish is removed from the "totally prohibited as target species" category to the "prohibited unless specially authorised" category (*regulation 4*);
- (e) Certain fish, aquatic life, and seaweed may be taken as bycatch (*regulation 5*).

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

Date of notification in *Gazette*: 16 September 1993.

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