



**THE FISHERIES (NELSON COMMERCIAL FISHING)
REGULATIONS 1985**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of August 1985

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.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Nelson Commercial Fishing) Regulations 1985.

(2) These regulations shall come into force on the 1st day of September 1985.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“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 10 m overall length, not less than the last 3 m of net:

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

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

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

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

“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 using a Danish seine net:

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

“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 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:

“Hand-gathering” includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed; but does not include diving using underwater breathing apparatus:

“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:

“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 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:

“Scallop” means the mollusc *Pecten novaezelandiae*:

“Set net” includes a gill net, drift net, trammel net, or any other sort of net not otherwise defined in this notice which acts by enmeshing, entrapping, or entangling any fish:

“Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:

“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 on 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:

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

3. Drag netting prohibited in Queen Charlotte Sound—No commercial fisherman shall use a drag net at any time in Queen Charlotte Sound, being those waters lying inside lines 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 from East Head (at 41°12.8'S and 174°19.4'E) to West Head (at 41°12.9'S and 174°18.9'E).

4. Drag netting restricted in Pelorus Sound—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall use a drag net at any time in Pelorus Sound, being those waters lying inside straight lines drawn 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) unless—

(a) The combined warp length does not exceed 200 m; and

(b) The net does not contain a bag or cod-end; and

(c) The length of the net does not exceed 165 m; and

(d) Any snapper taken is immediately returned to the water from which it was taken.

(2) Notwithstanding clause 21 of the Fisheries (Vessel, Gear, and Method) Notice 1985* or any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983† relating to drag netting, any commercial fisherman may use a drag net in conjunction with a mechanical device or vessel propelled by any means in those waters of Pelorus Sound lying outside straight lines drawn 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), and 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), but lying inside a straight line from Harding Point (at 40°54.5'S and 174°00.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E), if—

(a) The combined warp length does not exceed 660 m; and

(b) The net does not contain a cod-end or bag; and

(c) The length of the net does not exceed 165 m.

*S.R. 1985/2

†S.R. 1983/295

Amendment No. 1; S.R. 1984/137

Amendment No. 2; S.R. 1984/341

5. Trawling prohibited at certain times in Golden Bay—No commercial fisherman shall use a trawl net at any time during the period commencing with the 1st day of November in any year and expiring with the 30th day of April in the following year in Golden Bay inside straight lines drawn from Pakawau Bridge (at 40°35.2'S and 172°41.1'E) to the southernmost point of the southernmost island of the Tata Islands (at 40°48.4'S and 172°54.6'E) then in a straight line to the boat ramp at Tata Beach (at 40°48.7'S and 172°54.8'E).

6. Trawling and dredging prohibited in research areas in Golden Bay—(1) Notwithstanding regulation 5 of these regulations, no commercial fisherman shall use a trawl net or dredge at any time during the period commencing on the 1st day of September 1985 and expiring with the close of the 31st day of August 1986 in those waters of Golden Bay enclosed by straight lines drawn from the point 40°43.5'S and 172°45.9'E to the point 40°44'S and 172°46.2'E; then to the point 40°44.5'S and 172°45.6'E; then to the point 40°43.8'S and 172°45.3'E; then to the point of commencement.

(2) Notwithstanding regulation 5 of these regulations, no commercial fisherman shall use a trawl net or dredge at any time during the period commencing on the 1st day of September 1985 and expiring with the 31st day of August 1987 in those waters of Golden Bay enclosed by straight lines drawn from the point 40°42.8'S and 172°45.5'E to the point 40°43.2'S and 172°44.9'E; then to the point 40°43.6'S and 172°45.3'E; then to the point 40°43.3'S and 172°45.9'E; then to the point of commencement.

7. Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall use a trawl net at any time in those waters of Pelorus Sound and Queen Charlotte Sound lying inside straight lines drawn from Harding Point (at 40°54.5'S and 174°00.9'E) to 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 from East Head (at 41°12.8'S and 174°19.4'E) to West Head of Tory Channel (at 41°12.9'S and 174°18.9'E).

(2) Any commercial fisherman may use a trawl net in those waters lying inside a straight line drawn from Harding Point (at 40°54.5'S and 174°00.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E); but outside straight lines drawn from Cregoe Point (at 41°03.3'S and 173°49.9'E) to Camel Point (at 41°02'S and 173°48.6'E) to Sheep Point (at 41°01.2'S and 173°48.8'E); and outside a straight line drawn 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), during the period commencing with the 1st day of April in any year and expiring with the 31st day of August in the same year, if—

- (a) The mesh size in any part of the trawl net is not less than 108 mm; and
- (b) A pair trawl net is not used; and
- (c) The headline of the trawl net does not exceed 9 m in length; and
- (d) The combined length of the extension and bridles between the wing of the net and the otter board does not exceed 45 m.

8. Pair trawling restricted in Tasman Bay—No commercial fisherman shall use a pair trawl net with a cod-end mesh size of less than 125 mm within those waters of Tasman Bay lying inside a straight line drawn from the northwesternmost point of Pepin Island (at 41°08.5'S and 173°24.8'E)

to the easternmost extremity of Adele Island (at 40°58.7'S and 173°04.2'E); then by the mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.6'S and 173°03.5'E); then to the nearest part of the mainland (at 40°58.5'S and 173°02.9'E), during the period commencing with the 1st day of October in any year and expiring with the last day of February in the year following.

9. Fishing prohibited in Double Cove, Queen Charlotte Sound—No commercial fisherman shall take any fish from those waters of Queen Charlotte Sound lying inside a straight line drawn from Nohokouau Point (at 41°14.4'S and 174°00.5'E) to the southernmost point of the peninsula (at 41°14.5'S and 174°01.4'E) lying between Double Cove and Torea Bay.

10. Fishing restrictions in Separation Point Fisheries Area—No commercial fisherman shall use a trawl net, Danish seine net, or dredge in those waters of Golden Bay and Tasman Bay enclosed by a line drawn from a point at 40°49'S and 173°01'E on a true compass bearing of 076° to a point at 40°47.7'S and 173°07.7'E; then on an arc at a radius of 6 nautical miles from Separation Point Light (at 40°47'S and 172°59.5'E) to a point at 40°41'S and 172°59.5'E; then on a true compass bearing of 195° to a point at 40°47.4'S and 172°57.3'E; then along the line of mean low-water mark to the point of commencement.

11. Fishing in Tasman Bay and Golden Bay—When more than 100 tonnes of snapper have been taken from that area of Tasman Bay and Golden Bay lying inside a straight line drawn from Farewell Spit Light (at 40°32.9'S and 173°00.6'E) to Cape Stephens (at 40°41.6'S and 173°57'E) and then around the mean high-water mark to Sauvage Point (at 40°56.7'S and 173°46.3'E) and then to Okuri Point Light (at 40°58.7'S and 173°45.7'E) at any time during the period commencing with the 1st day of October in any year and expiring with the last day of February in the year following, the Director-General shall give public notice of that fact in a newspaper circulating in the Nelson area and by such other means as he 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 shall take any fish by the use of a pair trawl net or Danish seine net, or take snapper by the use of a surrounding net in those waters of Tasman Bay and Golden Bay lying inside a straight line drawn from Farewell Spit Light (at 40°32.9'S and 173°00.6'E) to Cape Soucis (at 40°03.2'S and 173°35.6'E).

12. Conditions for taking scallops and oysters—(1) For the purpose of taking scallops and oysters from within the prescribed area (as defined in subclause (2) of this regulation) the following conditions shall apply:

- (a) Notwithstanding clause 34 of the Fisheries (Vessel, Gear, and Method) Notice 1985 or any other notice made pursuant to the Fisheries (Commercial Fishing) Regulations 1983 relating to shellfish dredge requirements, no commercial fisherman dredging for scallops or oysters shall use more than 2 dredges, and no bar or bit of any dredge used shall exceed 2.5 m in length;
- (b) No commercial fisherman shall dredge for scallops or oysters between sunset and sunrise;
- (c) No commercial fisherman shall dredge for scallops other than during the period commencing on the 1st day of September in any year and expiring with the 7th day of November in the same year:

- (d) No commercial fisherman shall use any dredge on which there is any tine:
- (e) No commercial fisherman shall take any scallop or oyster from those waters on the landward side of straight lines drawn from Foul Point (at 40°54.4'S and 173°03.8'E) to Adolphe Point (at 40°57.8'S and 173°04.2'E) to Jules Point (at 40°58.7'S and 173°04.2'E) on Adele Island; then along the mean high-water mark to the southeastern tip of Adele Island (at 40°59.3'S and 173°03.5'E) to the southeastern tip of Fishermens Island (at 40°59.7'S and 173°03.2'E) to Guilbert Point (at 40°59.5'S and 173°02.2'E):
- (f) No commercial fisherman shall—
- (i) Transfer any scallop from any registered fishing vessel to any other vessel; or
 - (ii) Land any scallop from any registered fishing vessel or any other vessel; or
 - (iii) Convey any scallop to any storing, processing, wholesaling, or retailing premises—
- unless the scallop is in a sack made of a synthetic material having outside dimensions no greater than 485 mm width and 920 mm length.

(2) In subclause (1) of this regulation, the term “prescribed area” means those waters bounded by straight lines commencing at Kahurangi Point (at 40°46.7'S and 172°13.2'E) on the West Coast of the South Island and proceeding westerly along the 40°46.7' South parallel of latitude to its intersection with the 171°50' East meridian of longitude; then northerly along that meridian of longitude to its intersection with the 45°15' South parallel of latitude; then easterly along that parallel of latitude to its intersection with the 174°30' East meridian of longitude; then southerly along that meridian of longitude to its intersection with the 41°43.8' South parallel of latitude; then westerly along that parallel of latitude to Cape Campbell (at 41°43.8'S and 174°16.6'E) on the East Coast of the South Island; then generally northwesterly along the mean high-water mark of the sea to the point of commencement.

13. Taking mussels—(1) No commercial fisherman shall take any mussels from those waters of Queen Charlotte Sound lying inside a straight line drawn from Pihaka Point (at 41°13.9'S and 174°02.4'E) to Karaka Point (at 41°15.3'S and 174°03.9'E).

(2) No commercial fisherman shall take any mussels by any fishing method other than hand-gathering from those waters of Queen Charlotte Sound lying inside a straight 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 those waters of Tory Channel lying inside a straight line drawn from East Head (at 41°12.8'S and 174°19.4'E) to West Head (at 41°12.9'S and 174°18.9'E).

14. Revocations—The Fisheries (Nelson Commercial Fishing Restrictions) Notice (No. 2) 1984* and the Fisheries (Nelson Commercial Fishing Restrictions) Notice (No. 2) 1984, Amendment No. 1† are hereby revoked.

P. G. MILLEN,
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 replace the Fisheries (Nelson Commercial Fishing Restrictions) Notice 1984 and its amendment.

The principal changes are—

- Trawling and dredging are totally prohibited in an additional area of Golden Bay until the end of August 1987. The area is used for fisheries research purposes (*regulation 6*).
- A reduction from 200 tonnes to 100 tonnes in the amount of snapper that can be taken from Tasman and Golden Bays in each October-February period before the use of pair trawl nets and Danish seine nets, and the taking of snapper by surrounding nets is to be banned (*regulation 11*).
- The scallop season is reduced by 23 days and is to end with the 7th day of November each year (*regulation 12 (1) (c)*).
- Scallops must be landed in sacks. The landing of scallops in boxes is no longer permitted (*regulation 12 (1) (f) (ii)*).
- The prohibition on the taking of mussels from the area extending from Kahurangi Point on the West Coast to Cape Campbell on the East Coast during each November-February period is not carried forward.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 August 1985.

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