



**THE FISHERIES (COMMERCIAL QUOTAS AND RESTRICTIONS)
REGULATIONS 1985**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of September
1985

Present:

THE HON. R. W. PREBBLE PRESIDING 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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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application 4. Quotas imposed 5. Allocation of quotas by notice 6. Taking of certain fish in certain areas prohibited | <ul style="list-style-type: none"> 7. Use of certain vessels for trawling and bottom-longlining prohibited 8. Use of 60 mm mesh net permitted in certain areas 9. Processing requirements 10. Offences 11. Revocations |
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REGULATIONS

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

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

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

“Alfonsino” means the fish of which the scientific name is *Beryx splendens* or *Beryx decadactylus*:

“Barracouta” means the fish of which the scientific name is *Thyrzites atun*:

“Bluenose” means the fish of which the scientific name is *Hyperoglyphe antarctica*:

“Greenweight” means the weight of any fish before any processing (other than freezing) commences and before any part of the fish is removed:

“Hake” means the fish of which the scientific name is *Merluccius australis*:

“Hoki” means the fish of which the scientific name is *Macruronus novaezelandiae*:

“Ling” means the fish of which the scientific name is *Genypterus blacodes*:

“Orange roughy” means the fish of which the scientific name is *Hoplostethus atlanticus*:

“Oreo dory” means the black oreo dory (*Alloctytus* sp.), the smooth or small spined oreo dory (*Pseudocyttus maculatus*), and the spiky oreo dory (*Neocyttus rhomboidalis*):

“Paua” means ordinary paua (*Haliotis iris*) and yellow foot paua (*Haliotis australis*):

“Silver warehou” means the fish of which the scientific name is *Serirolella punctata*:

“Southern bluefin tuna” means the fish of which the scientific name is *Thunnus maccoyi*:

“Squid” means—

(a) The shellfish, commonly known as arrow squid, which has the scientific name *Nototodarus* sp; and

(b) The shellfish, commonly known as broad squid, which has the scientific name *Sepioteuthis bilineata*:

“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) which has a buoyancy system on the top edge and is weighted on the bottom edge and is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway:

“Trawling” means using a trawl net.

(2) References in these regulations to areas are references to the areas of New Zealand fisheries waters as defined in the First Schedule to these regulations.

3. Application—These regulations shall apply in respect of the year beginning with the 1st day of October 1985, and shall not apply in respect of any other year.

4. Quotas imposed—There are hereby imposed quotas on the taking of certain species or classes of fish by commercial fishermen using New Zealand fishing vessels, and in some cases using specified methods, in specified areas of New Zealand fisheries waters as set out in the following table:

Species or class of fish	Area	Quota (Greenweight Tonnes)	
Alfonsino taken by trawling Barracouta	Central	1,500	
	Auckland East and Central East combined	2,000	
	Auckland West, Central West, and Challenger combined	9,150	
	Chatham East Coast	7,000	
	Chatham Rise	2,600	
	Southland and Sub-Antarctic combined	6,900	
Bluenose taken by trawling Hake	Central	440	
	Auckland, Central, Chatham East Coast, Southland, and Sub-Antarctic combined	1,000	
Hoki	Chatham Rise	700	
	Challenger	700	
	Auckland, Central, Chatham, and Sub- Antarctic combined	20,400	
Ling	Southland and Challenger combined ..	20,700	
	Auckland East and Central East combined	1,000	
	Auckland West, Central West, and Challenger combined	1,460	
	Chatham	3,950	
	Southland	1,316	
	Sub-Antarctic	5,000	
Orange Roughy	Central East (from northern boundary to latitude 40° South)	2,000	
	Central East (from latitude 40° South to Cape Palliser)	1,000	
	Central East (from Cape Palliser to southern boundary) and Chatham East Coast (from northern boundary to Banks Peninsula, west of a straight line from Cape Palliser to the eastern tip of Banks Peninsula) combined	2,500	
	Chatham East Coast (excluding the area west of a straight line from Cape Palliser to the eastern tip of Banks Peninsula) and Chatham Rise combined	29,350	
	Challenger (from latitude 42° South to southern boundary)	925	
	Challenger (from northern boundary to 42° South)	5,475	
	Oreo Dory	Auckland, Central, Southland, Challenger, and Sub-Antarctic combined	3,850
		Chatham East Coast	10,000
Chatham Rise		6,850	

Species or class of fish	Area	Quota (Greenweight Tonnes)
Silver Warehou	Kermadec, Auckland, Central, Chatham, Southland, and Sub-Antarctic combined	5,060
	Challenger	1,000
Squid taken by jigging	Auckland, Central, Chatham, Southland, Challenger, and Sub-Antarctic (excluding Southern Islands) combined	22,500
Squid taken by other methods	Auckland East, Central East, Chatham, Southland and Sub-Antarctic (excluding Southern Islands) combined	11,690
	Auckland West, Central West, and Challenger combined	3,830
	Southern Islands	17,200
Southern Bluefin Tuna	Challenger	1,000
Paua	All areas combined	1,171

5. Allocation of quotas by notice—(1) The Minister may, by notice in the *Gazette*, allocate the quotas prescribed under these regulations to such commercial fisherman or fishermen as he may specify in that notice.

(2) Where any quota for any species or class of fish for any area is not fully allocated by notice under subclause (1) of this regulation, the remaining quota may be taken by any commercial fisherman who has not received any allocation of quota for that species or class of fish in that area.

6. Taking of certain fish in certain areas prohibited—(1) No commercial fisherman may take in any area specified in the first column of this table any fish of the species or classes specified alongside that area in the second column of this table.

Area	Prohibited species or classes of fish
Kermadec	Alfonsino, Barracouta, Bluenose, Hake, Hoki, Ling, Orange Roughy, Oreo Dory, Squid
Auckland, Central West, Southland, Sub-Antarctic	Orange Roughy
Southern Islands	Squid taken by jigging

(2) Notwithstanding anything in regulations 4 and 5 of these regulations or any allocation of quota made by any notice made pursuant to regulation 5 of these regulations, no commercial fisherman may take any fish within 12 nautical miles of the mean low water mark of each island or rock of the Auckland Islands.

7. Use of certain vessels for trawling and bottom-longlining prohibited—(1) No commercial fisherman may use any New Zealand fishing vessel over 43 metres in overall length to take fish by trawling in any area defined in the Second Schedule to these regulations.

(2) No commercial fisherman may use any New Zealand fishing vessel over 30 metres in overall length to take fish by bottom-longlining in the area defined in clause 8 of the Second Schedule to these regulations.

8. Use of 60 mm mesh net permitted in certain areas—

(1) Notwithstanding clause 25 of the Fisheries (Vessel, Gear, and Method) Notice 1985* or any other notice or any regulation relating to mesh sizes or the carriage of fishing gear—

(a) The use of a trawl net with a mesh size of not less than 60 mm is hereby authorised in the areas to which this regulation applies during the periods specified in subclause (2) of this regulation:

(b) The carriage of any such net on board any fishing vessel is hereby authorised in respect of a vessel in transit to or from those areas if the net is stowed during transit in such a manner that it cannot readily be made available for fishing.

(2) This regulation applies in respect of—

(a) The Southland Area south of latitude 48°S but excluding the territorial sea, during the period commencing with the 1st day of January in any year and ending with the close of the next 31st day of May:

(b) The Sub-Antarctic Area at any time.

9. Processing requirements—(1) Where any quota for any species or class of fish other than Alfonsino, Barracouta, Bluenose, Squid taken by jigging, Southern Bluefin Tuna, or Paua is allocated by any notice made under regulation 5 of these regulations to any company to which this regulation applies, that company shall ensure that not less than 35 percent of its total quota allocations under every such notice for all species or class of fish other than Alfonsino, Barracouta, Bluenose, Squid taken by jigging, Southern Bluefin Tuna, or Paua is processed onshore in New Zealand further than the headed and gutted stage in a fish packing house.

(2) This regulation applies to the following companies:

(a) Amaltal Coolstores and Exporters Limited (known as Amaltal):

(b) Fletcher Fishing Limited (known as Fletcher):

(c) Sanford Limited (known as Sanford):

(d) Sanford South Island Limited (known as Sanford South Island):

(e) Sealord Products Limited (known as Sealord):

(f) South Island Deepwater Fishing Company Limited (known as South Island Deep Water Fishing or SIDWF):

(g) Skeggs Foods Limited (known as Skeggs):

(h) Southland Fish Processors Co-operative Limited (known as Southland Co-op):

(i) Wanganui Trawlers Limited (known as Wanganui):

(j) Wattie Canneries Limited (known as Watties).

10. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who—

(a) Takes any fish from any area when the quota imposed under these regulations for that species or class of fish in that area has been filled; or

(b) Takes any fish in excess of any quota allocated to that person under any notice made pursuant to these regulations; or

(c) Takes any fish for which quotas have been allocated under any such notice unless the person is authorised by that notice or otherwise to take that fish; or

(d) Takes any fish in breach of any prohibition imposed by regulation 6 of these regulations or commits any breach of regulation 7, regulation 8, or regulation 9 of these regulations.

(2) It shall be a defence to any proceedings for the offence specified in subclause (1) (a) of this regulation if the Court is satisfied that the defendant did not know and could not reasonably be expected to know that the quota had been filled.

(3) It shall be a defence to any proceedings for any offence specified in subclause (1) of this regulation if the Court is satisfied that—

- (a) The taking of the fish was an inevitable consequence of the lawful taking of other fish; and
- (b) The defendant took all reasonable steps to ensure that the amount of such fish taken was as small as possible; and
- (c) The defendant notified a Fishery Officer of the taking of the fish as soon as practicable after the fish were taken; and
- (d) The fish were disposed of or surrendered to the Crown in a manner directed by a Fishery Officer.

11. Revocations—The following regulations are hereby revoked:

- (a) The Fisheries (Commercial Quotas) Regulations 1984 (S.R. 1984/320);
- (b) The Fisheries (Commercial Quotas) Regulations 1984, Amendment No. 1 (S.R. 1985/107);
- (c) The Fisheries (Commercial Quotas) Regulations 1984, Amendment No. 2 (S.R. 1985/229).

SCHEDULES

Reg. 2 (2)

FIRST SCHEDULE

FISHING AREAS

Area	Description
Kermadec	All that area of New Zealand fisheries waters around the Kermadec Islands enclosed by a line commencing at a point 34° 34.3'S and 179° 51.0'W on the outer limits of the exclusive economic zone and then proceeding generally in an easterly, northerly, westerly and southerly direction along the outer limits of the exclusive economic zone to a point 34° 22.1'S and 179° 29.6'E on the outer limits of the exclusive economic zone, and then proceeding in a straight line to the first-mentioned point.

FIRST SCHEDULE—*continued*FISHING AREAS—*continued*

Area	Description
Auckland	All that area of New Zealand fisheries waters enclosed by a line commencing at Tirua Point on the west coast of the North Island (at 38° 23' S and 174° 38.5' E); and then proceeding along a straight line to the outer limits of the exclusive economic zone to a point 37° 35' S and 170° 03' E; then proceeding in a generally northerly and easterly direction along the outer limits of the exclusive economic zone to a point 33° 25' S and 177° 59.4' E; then proceeding due South to Cape Runaway on the east coast of the North Island (at 37° 32' S and 177° 59.4' E); thence in a generally northwesterly and southeasterly direction along the line of the mean high-water mark of the coast of the North Island to the point of commencement.
Auckland East	All that part of the Auckland Area lying east of a line commencing at North Cape then proceeding due North to a point on the outer limits of the exclusive economic zone at 30° 52.5' S and 173° 02.5' E.
Auckland West	All that part of the Auckland Area lying west of a line commencing at North Cape then proceeding due North to a point on the outer limits of the exclusive economic zone at 30° 52.5' S and 173° 02.5' E.
Central	All that area of New Zealand fisheries waters enclosed by a line commencing at Cape Runaway on the east coast of the North Island (at 37° 32' S and 177° 59.4' E); then proceeding due North to a point at 33° 25' S and 177° 59.4' E; then proceeding in a generally southeasterly direction along the outer limits of the exclusive economic zone to its intersection with the 42° 10' S parallel of latitude; then proceeding due West along latitude 42° 10' S to a point 42° 10' S and 174° 42' E; then proceeding in a straight line to a point 40° 32' S and 174° 20' E; then proceeding in a straight line to a point on the outer limits of the exclusive economic zone at 37° 44' S and 169° 56' E; then proceeding in a generally northerly direction along the outer limits of the exclusive economic zone to a point at 37° 35' S and 170° 03' E; then in a straight line to Tirua Point on the west coast of the North Island (at 38° 23' S and 174° 38.5' E); then proceeding in a generally southerly, easterly,

FIRST SCHEDULE—*continued*FISHING AREAS—*continued*

Area	Description
Central East	and northerly direction along the mean high-water mark of the coast of New Zealand to the point of commencement. All that part of the Central Area lying south and east of a line commencing at a point at 41° 06' S and 174° 50' E on the North Island west coast; then proceeding due West to the boundary of the Central Area.
Central West	All that part of the Central Area lying north of a line commencing at a point at 41° 06' S and 174° 50' E on the North Island west coast; then proceeding due West to the boundary of the Central Area.
Challenger	All that area of New Zealand fisheries waters enclosed by a line commencing at Awarua Point on the west coast of the South Island (at 44° 16' S and 168° 03' E); then proceeding due West along latitude 44° 16' S to the outer limits of the exclusive economic zone to a point 44° 16' S and 162° 13' E; then proceeding in a generally northeasterly direction along the outer limits of the exclusive economic zone to a point 37° 44' S and 169° 56' E; then proceeding in a straight line to a point 40° 32' S and 174° 20' E; then proceeding in a straight line to a point 42° 10' S and 174° 42' E; then proceeding due West along latitude 42° 10' S to Clarence Point on the east coast of the South Island (at 42° 10' S and 173° 56' E); then proceeding in a generally northerly, westerly and southwesterly direction along the mean high-water mark of the coast of the South Island to the point of commencement.
Chatham	All that area of New Zealand fisheries waters enclosed by a line commencing at Clarence Point on the east coast of the South Island (at 42° 10' S and 173° 56' E); and then proceeding due East to the outer limits of the exclusive economic zone along latitude 42° 10' S; and then proceeding in a generally southerly direction along the outer limits of the exclusive economic zone to latitude 46° S; then proceeding due West to the point 46° S and 176° E; then proceeding in a generally southwesterly direction to a point 48° 20' S and 170° 30' E; then proceeding in a generally northwesterly direction to Slope Point (at 46° 40.5' S and 169° E) on the South Island east coast; and then

FIRST SCHEDULE—*continued*FISHING AREAS—*continued*

Area	Description
Chatham Rise	in a generally northeasterly direction along the line of the mean high-water mark of the coast of the South Island to the point of commencement.
Chatham East Coast	All that part of the Chatham Area lying east of longitude 176°E.
Southland	All that part of the Chatham Area excluding the Chatham Rise Area. All that area of New Zealand fisheries waters enclosed by a line commencing at Slope Point on the east coast of the South Island (at 46° 40.5'S and 169°E); and then proceeding in a generally southeasterly direction to the point 48° 20'S and 170° 30'E; then proceeding in a southwesterly direction to the point 49°S and 169°E; then proceeding due West along latitude 49°S to the outer limits of the exclusive economic zone; then proceeding in a generally northerly direction along the outer limits of the exclusive economic zone to the point 44° 16'S and 162° 13'E; then proceeding due East to Awarua Point on the west coast of the South Island (at 44° 16'S and 168° 03'E); and then in a generally southerly and easterly direction along the line of the mean high-water mark of the coast of the South Island to the point of commencement.
Sub-Antarctic	All that area of New Zealand fisheries waters enclosed by a line commencing on the outer limits of the exclusive economic zone at a point 46°S and 171° 45' W; and then proceeding due West to a point 46°S and 176°E; then proceeding in a generally southwesterly direction to the point 49°S and 169°E; then proceeding due West along latitude 49°S to the outer limits of the exclusive economic zone; then proceeding in a generally southerly and northeasterly direction along the outer limits of the exclusive economic zone to the first-mentioned point.
Southern Islands	(a) All that part of the Sub-Antarctic Area enclosed by a line commencing at a point 49° 30'S and 165°E; and then proceeding due East to a point 49° 30'S and 168°E; and then proceeding due South to a point 51° 30'S and 168°E; and then proceeding due West to a point 51° 30'S and 165°E; and then proceeding due North to the point of commencement; and

FIRST SCHEDULE—*continued*FISHING AREAS—*continued*

Area	Description
	(b) All that part of the Sub-Antarctic Area enclosed by a line commencing at a point 51° 30'S and 168°E; and then proceeding due East to a point 51° 30'S and 171°E; and then proceeding due South to a point 53° 30'S and 171°E; and then proceeding due West to a point 53° 30'S and 168°E; and then proceeding due North to the point of commencement.

Notes:

1. The Kermadec, Auckland, Central, and Challenger Areas are the same as the fishery management areas bearing the same names and defined by notice in the *Gazette* of 1984 at page 1402. However, the Sub-Antarctic Area is not the same as the Sub-Antarctic Fishery Management Area.
2. The Auckland East and Auckland West Areas are both within the Auckland Area and together comprise the whole of that area.
3. The Central East and Central West Areas are both within the Central Area and together comprise the whole of that area.
4. The Chatham East Coast and Chatham Rise Areas are within the Chatham Area and together comprise the whole of that area.
5. The Solander Trench Area is within the Southland Area.
6. The 2 parts of the Southern Islands Area are both within the Sub-Antarctic Area.

Reg. 7

SECOND SCHEDULE

AREAS CLOSED TO TRAWLING BY NEW ZEALAND FISHING VESSELS OVER
43 METRES IN OVERALL LENGTH

1. The territorial sea.
2. The Auckland East and Central East Areas (excluding that part of the Central East Area west of a line due South from Cape Palliser).
3. The area enclosed by a line commencing at a point 36° 24.1'S and 173° 48'E; and then proceeding directly through a westerly direction to a point 36° 24.1'S and 173° 3.9'E; and then proceeding through a southerly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 40° 34.8'S and 174° 37.2'E; and then proceeding directly through a southeasterly direction to a point 40° 40.6'S and 174° 44.6'E; and then proceeding through a northeasterly direction along the outer limits of the territorial sea of New Zealand to the point of commencement.
4. The area enclosed by a line commencing at a point 41° 48.95'S and 175° 17.4'E; and then proceeding directly through a southerly direction to a point 42° 01.95'S and 175° 17.4'E; and then proceeding directly through a northwesterly direction to a point 41° 53.6'S and 174° 49.4'E; and then proceeding through a southwesterly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 44° 19.2'S and 172° 58.75'E; and then proceeding through a southwesterly direction directly to a point

SECOND SCHEDULE—*continued*

45° 53.0'S and 171° 02.2'E; and then proceeding through a northerly direction along the outer limits of the territorial sea of New Zealand to the point of commencement.

5. The area enclosed by a line commencing at a point 43° 45.5'S and 168° 37.35'E; and then proceeding directly through a northerly direction to a point 43° 32.5'S and 168° 37.35'E; and then proceeding through a northeasterly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 41° 44.9'S and 170° 53.6'E; and then proceeding directly through an easterly direction to a point 41° 44.9'S and 171° 10.9'E; and then proceeding through a southerly direction along the outer limits of the territorial sea of New Zealand to the point of commencement.
6. The area enclosed by a line commencing at a point 40° 19.4'S and 173° 00.5'E; and then proceeding directly through a southeasterly direction to a point 40° 27.8'S and 174° 00'E; and then proceeding through a southwesterly direction along the outer limits of the territorial sea of New Zealand to the point of commencement.
7. The area enclosed by a line commencing at a point 35° 20'S and 172° 52.8'E; and then proceeding directly through a northwesterly direction to a point 34° 21.4'S and 171° 53.8'E; and then proceeding through a southeasterly direction along the outer limits of the territorial sea of New Zealand to a point 34° 16.2'S and 172° 21.7'E; and then proceeding directly through a southeasterly direction to a point 34° 19.4'S and 172° 28'E; and then proceeding through a southwesterly direction along the outer limits of the territorial sea of New Zealand to the point of commencement.

AREA CLOSED TO TRAWLING BY NEW ZEALAND FISHING VESSELS OVER
43 METRES IN OVERALL LENGTH AND BOTTOM-LONGLINING BY
NEW ZEALAND FISHING VESSELS OVER 30 METRES
IN OVERALL LENGTH

8. That part of the Southland Area and the exclusive economic zone commencing at a point 46° 45.2'S and 167° 3.3'E; and proceeding generally northeast around the boundary of the territorial sea to a point 46° 58.1'S and 167° 15'E; and then proceeding in a straight line to the point of commencement.

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, which apply in respect of the fishing year commencing 1 October 1985, set quotas of species or classes of fish (including squid and paua) that may be taken by commercial fishermen from specified areas of New Zealand fisheries waters. The allocation of the quotas to particular fishermen is a matter to be dealt with by Ministerial notice.

The taking of certain species or classes of fish by commercial fishermen in certain areas is prohibited, and all commercial fishing within 12 nautical miles of the Auckland Islands is also prohibited.

No New Zealand fishing vessel over 43 metres in overall length may be used to trawl for any fish in the territorial sea or other defined areas.

No New Zealand fishing vessel over 30 metres in overall length may be used for bottom-longlining in the Solander Trench.

The use of 60 mm mesh nets is permitted in the southern part of the Southland Area between 1 January and 31 May, and in the Sub-Antarctic Area at any time.

Where quotas are allocated to specified companies the company must ensure that 35 percent of its total quota allocation is processed onshore in New Zealand in a fish packing house beyond the headed and gutted stage. This provision does not apply to quota allocations of Alfonsino, Barracouta, Bluenose, Squid (taken by jigging), Southern Bluefin Tuna, or Paua.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 September 1985.

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