



**THE FISHERIES (GENERAL) REGULATIONS 1950,  
AMENDMENT NO. 36**

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DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of October 1981

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 36, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950\* (hereinafter referred to as the principal regulations).

(2) Subject to subclause (3) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

(3) Regulations 5, 6, 7, and 8 of these regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Interpretation**—(1) Regulation 4 (1) of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Hawke Bay Fisheries Management Area’ means those waters of Hawke Bay lying inside a straight line drawn from Cape Kidnappers lighthouse to Portland Island lighthouse; and thence by high-water mark on the western coastline of Portland Island to the northernmost extremity of Portland Island; thence by a straight line to the southernmost point of Mahia Peninsula:

“Rig’ means the fish of which the scientific name is *Mustelus antarcticus* or *Mustelus lenticulatus*:

“Wetfish’ means fish of the Class Osteichthyes (fish) and the Class Chondrichthyes (sharks, skates, rays, and elephant fish):”.

(2) The said regulation 4 is hereby further amended by inserting in the definition of “fish” (as substituted by regulation 2 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34) after the word “oysters”, the words “toheroa, rock lobsters,”.

**3. Size of mesh of net**—(1) The principal regulations are hereby amended by inserting after regulation 12 (2) (as inserted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 21 and amended by regulation 4 (1) of the Fisheries (General) Regulations 1950, Amendment No. 23) the following subclauses:

“(3) Notwithstanding subclause (1) of this regulation, no person shall take rig from the control area defined in subclause (4) of this regulation with any net the size of the mesh of which is less than 150 mm, or be in possession in the control area of any rig while also in possession of any net the size of the mesh of which is less than 150 mm, or land from the control area any rig while in possession of any net the size of the mesh of which is less than 150 mm.

“(4) For the purpose of subclause (3) of this regulation, the term ‘control area’ means the waters of Golden Bay and Tasman Bay lying inside a straight line drawn from the easternmost point of Farewell Spit to Cape Stephens.”

(2) This regulation shall expire with the 31st day of March 1983.

**4. Prohibition on the use of nets on Wairoa Hard**—The principal regulations are hereby amended by inserting, after regulation 29 and before the heading “WELLINGTON HARBOUR”, the following heading and regulation:

#### “HAWKE BAY

“29A. No person shall use any net for taking wetfish in the waters of Hawke Bay enclosed by a straight line commencing at the mouth of the Moeangiangi River at a point 39°14.9’S and 177°01.4’E; thence proceeding in a southeasterly direction to a point 39°16.6’S and 177°07.6’; thence proceeding in a northeasterly direction to a point 39°11.3’S and 177°21.2’E; thence proceeding in a northwesterly direction to the Waihua River mouth at a point 39°05.7’S and 177°17.1’E; thence proceeding along

high-water mark to the northernmost bank of the mouth of the Mohaka River; thence proceeding by a straight line to the southernmost bank of the mouth of the Mohaka River; thence proceeding along high-water mark to the point of commencement.”

**5. Power net fishing and multiple power net fishing—**

(1) Regulation 69 (3) of the principal regulations (as substituted by regulation 3 (1) of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by omitting from paragraph (b) the word “given.”, and substituting the words “given; or”.

(2) The said regulation 69 (3) (b) is hereby further amended by adding the following paragraph:

“(c) Three days after the date of publication of any notice that the Director-General has given pursuant to regulation 106w (5) of these regulations, in the Hawke Bay Fisheries Management Area for the remainder of any fishing year in respect of which that notice was given.”

(3) Regulation 69 (4) of the principal regulations (as so substituted) is hereby amended by omitting from paragraph (b) the word “given.”, and substituting the words “given; or”.

(4) The said regulation 69 (4) (b) is hereby further amended by adding the following paragraph:

“(c) Three days after the date of publication of any notice that the Director-General has given pursuant to regulation 106w (5) of these regulations, in the Hawke Bay Fisheries Management Area for the remainder of any fishing year in respect of which that notice was given.”

(5) Regulation 69 (5) of the principal regulations (as substituted by regulation 9 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26) is hereby amended by inserting in paragraph (b) (as amended by regulation 3 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34) after the words “regulation 106T (4) of these regulations”, the words “or except for the purposes of taking snapper, in the Hawke Bay Fisheries Management Area during any part of a fishing year in respect of which the Director-General has given notice pursuant to regulation 106w (5) of these regulations”.

(6) The said regulation 69 (5) is hereby further amended by revoking paragraph (d) (as substituted by regulation 4 (1) of the Fisheries (General) Regulations 1950, Amendment No. 35), and substituting the following paragraph:

“(d) During the period commencing with the 1st day of September in any year and ending with the last day of February in the following year, the use of a Danish seine net hauled by not more than 2 vessels each of which is less than 19 m registered length in that part of area 005 of the Auckland Fisheries Management Area lying northwards of a straight line drawn from Cape Rodney to Cape Barrier. The reference points named being as shown on chart N.Z. 522; or”.

(7) Regulation 4 (1) of the Fisheries (General) Regulations 1950, Amendment No. 35 is hereby consequentially revoked.

**6. Limitation on use of a trawl net—**(1) Regulation 77 (3) of the principal regulations (as substituted by regulation 6 (1) of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by

omitting from paragraph (b) the word "given.", and substituting the words "given; or".

(2) The said regulation 77 (3) (b) is hereby further amended by adding the following paragraph:

"(c) Three days after the date of publication of any notice that the Director-General has given pursuant to regulation 106w (5) of these regulations, in the Hawke Bay Fisheries Management Area for the remainder of any fishing year in respect of which that notice was given."

(3) Regulation 77 (4) of the principal regulations (as substituted by regulation 13 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26 and amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by revoking paragraph (c) (as substituted by regulation 5 (1) of the Fisheries (General) Regulations 1950, Amendment No. 35), and substituting the following paragraph:

"(c) During the period commencing with the 1st day of September in any year and ending with the last day of February in the following year, the use of a trawl net hauled by not more than 2 vessels each of which is less than 19 m registered length in that part of area 005 of the Auckland Fisheries Management Area lying northwards of a straight line drawn from Cape Rodney to Cape Barrier. The reference points named being as shown on chart N.Z. 522; or".

(4) Regulation 5 (1) of the Fisheries (General) Regulations 1950, Amendment No. 35 is hereby consequentially revoked.

**7. Restrictions on taking snapper in Tasman Bay**—Regulation 106r (4) of the principal regulations (as inserted by regulation 10 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by omitting the expression "250", and substituting the expression "650".

**8. Restrictions on taking snapper in Hawke Bay**—The principal regulations are hereby amended by inserting, after regulation 106v (as inserted by regulation 11 of the Fisheries (General) Regulations 1950, Amendment No. 35), the following regulation:

"106w. (1) For the purposes of this regulation and regulation 69 (3) (c), (4) (c), and (5) (b), and regulation 77 (3) (c) of these regulations, the term 'fishing year' means the period commencing with the 1st day of October in any year and ending with the 30th day of September in the following year.

"(2) There shall be a quota of 210 tonnes for the taking of snapper by a trawl net drawn by more than one vessel from the Hawke Bay Fisheries Management Area in any fishing year.

"(3) Every person fishing pursuant to a fishing permit in the Hawke Bay Fisheries Management Area shall submit, to such offices of the Ministry of Agriculture and Fisheries, in such form, and to be received at such times as the Director-General may require, information relating to the taking of snapper pursuant to that permit.

"(4) In the case of a registered fishing boat, failure to comply with the requirements of the Director-General under subclause (3) of this regulation shall constitute an offence by the owner and the master of the boat.

“(5) When the Director-General is satisfied that approximately 210 tonnes of snapper have been taken by trawl nets drawn by more than one vessel from the Hawke Bay Fisheries Management Area during any fishing year he shall, by public notice in such newspapers circulating generally throughout the districts adjoining Hawke Bay or throughout New Zealand as he thinks appropriate, so declare and give notice that the provisions relating to the Hawke Bay Fisheries Management Area contained in regulation 69 (3) (c), (4) (c), and (5) (b), and regulation 77 (3) (c) of these regulations shall come into force 3 days after the date of publication of that notice.”

**9. Eel size limit**—The principal regulations are hereby further amended by inserting after regulation 107c (as inserted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 7 and amended by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 35) the following regulation:

“107CA. (1) No person (being the holder of a fishing permit) shall take, sell, or possess any eel which weighs less than 150g.

“(2) No person shall, in any premises used to process or package eels, kill, process, package, or be in possession of any eel which weighs less than 150g.

“(3) Nothing in this regulation shall apply to eels taken from the Lake Ellesmere eel fishery being the fishery defined in the Controlled Fisheries (Lake Ellesmere Eel Fishery) Notice 1978\*.”

**10. New regulations inserted**—The principal regulations are hereby further amended by inserting, after regulation 107G (as inserted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 35), the following regulations:

“107H. **Restrictions on taking fish in Hawke Bay**—No person shall take any wetfish for the purposes of sale from those waters of Hawke Bay enclosed by a straight line commencing at the mouth of the Moeangiangi River at a point 39°14.9'S and 177°01.4'E; thence proceeding in a southeasterly direction to a point 39°16.6'S, and 177°07.6'E; thence proceeding in a northeasterly direction to a point 39°11.3'S and 177°21.2'E; thence proceeding in a northwesterly direction to the Waihua River mouth at a point 39°05.7'S and 177°17.1'E; thence proceeding along high-water mark to the northernmost bank of the mouth of the Mohaka River; thence proceeding by a straight line to the southernmost bank of the mouth of the Mohaka River; thence proceeding along high-water mark to the point of commencement.

“107I. **Restrictions on taking fish around Poor Knights Islands**—No person shall take any wetfish for the purposes of sale from the waters lying between the outer limits of the Poor Knights Islands Marine Reserve as described in the Marine Reserve (Poor Knights Islands) Order 1981† and a line every point of which is 3 nautical miles from high-water mark on the Poor Knights Islands, High Peak Rocks, Sugarloaf Rock, and adjacent islands and rocks.”

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 amend the Fisheries (General) Regulations 1950.

*Regulation 3* sets a minimum mesh size of 150 mm for the taking of rig in Tasman and Golden Bays.

*Regulation 4* prohibits the use of nets for taking wetfish from the Wairoa Hard in Hawke Bay.

*Regulations 5 and 6* prohibit purse seining for snapper, and all pair Danish seining and pair trawling, in Hawke Bay when the pair trawling snapper quota for that area has been reached, and permit pair Danish seining and pair trawling by vessels under 19 m in length in part of area 005 during September to February.

*Regulation 7* imposes a quota of 650 tonnes of snapper to be taken from Tasman Bay and Golden Bay from October to February.

*Regulation 8* imposes a 210 tonne quota for snapper taken by pair trawling in Hawke Bay.

*Regulation 9* imposes a 150 g minimum size limit for the commercial taking and processing of eels (except in the Lake Ellesmere controlled eel fishery).

*Regulation 10* prohibits the commercial taking of wetfish from the Wairoa Hard in Hawke Bay, or from the waters within 3 miles of the Poor Knights Islands.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 October 1981.

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