

1982/178



**THE FISHERIES (GENERAL) REGULATIONS 1950,  
AMENDMENT NO. 37**

DAVID BEATTIE, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 26th day of July 1982

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING 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.

**ANALYSIS**

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 37, 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 these regulations, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

(3) Regulation 8 (3) of these regulations shall come into force 3 months from the date of commencement of these regulations.

**2. Interpretation**—(1) Regulation 4 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “Auckland Fisheries Management Area” (as inserted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 34), the following definition:

“ ‘Bay of Plenty Fisheries Management Area’ means the total area described in the Fifth Schedule to these regulations:”

(2) The said regulation 4 (1) is hereby further amended by omitting the definition of the term “drag net” (as inserted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26), and substituting the following definition:

“ ‘Drag net’ means any net which is operated by being drawn over the bed of any waters or through any waters; and includes a beach seine net; but does not include a trawl net, purse seine net, Danish seine net, hoop net, drift net, ring net, or lampara net:”

(3) The said regulation 4 (1) is hereby further amended by revoking the definition of the term “fish scaring device” (as inserted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26), and substituting the following definition:

“ ‘Fish scaring device’ means any gear, device, or action which, in the opinion of a fishery officer, may cause fish to scare or herd:”

(4) The said regulation 4 (1) is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

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

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

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

**3. Drag netting north of latitude 39°S**—The principal regulations are hereby amended by revoking the cross-heading “DRAG NETTING NORTH OF LATITUDE 39°S” appearing after regulation 12.

**4. Wairoa Hard**—Regulation 29A of the principal regulations (as inserted by regulation 4 of the Fisheries (General) Regulations 1950, Amendment No. 36) is hereby amended by omitting the expression “177°07.6’”, and substituting the expression “177°07.6’E”.

- 5. Size of mesh of nets in Lake Ellesmere**—(1) Subject to subsection (2) of this regulation, the following regulations are hereby revoked:
- (a) Regulations 39, 40, and 41 of the principal regulations;
  - (b) Subclauses (6) and (7) of regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 12;
  - (c) So much of the Schedule to the Fisheries (General) Regulations 1950, Amendment No. 22 as relates to regulations 39 and 40 of the principal regulations.
- (2) Subclause (1) of this regulation shall hereby be revoked on the 1st day of June 1985, and the regulations revoked by the said subclause shall be revived on that day accordingly.
- (3) As from the commencement of these regulations until the 1st day of June 1985, no person shall use for taking fish in the waters of Lake Ellesmere—
- (a) Any net having a mesh of a size between 70 mm and 100 mm; or
  - (b) Any net more than 9 meshes deep, when the mesh is of a size exceeding 100 mm; or
  - (c) Any net more than 25 meshes deep, when the mesh is of a size of not more than 70 mm:

Provided that nothing in paragraphs (a) or (b) of this subclause shall apply in the case of a fyke net used solely for the purpose of taking eels, if the size of the mesh of any such net is not less than 12 mm.

**6. Prohibition on use of Danish seine nets**—Regulation 71 of the principal regulations is hereby amended by inserting, after the word “regulation”, the words “provided that this regulation shall apply in respect of the waters described in subclauses (19), (22A), and (22B) of regulation 72 of these regulations only during the period 1 January 1983 to 30 April 1983”.

**7. Prohibited waters for use of Danish seine net**—(1) Regulation 72 of the principal regulations is hereby amended by revoking subclause (19) and the heading to that subclause, and substituting the following subclause and heading:

*“Kennedy Bay and Adjacent Waters*

“(19) The waters of Kennedy Bay on the Coromandel Peninsula and that part of the sea adjacent thereto lying within a radius of 2 nautical miles from Anarake Point and touching the coastline at high water mark approximately 1.75 nautical miles north of the northern entrance to Kennedy Bay and also at approximately 0.25 nautical miles south of the northern end of Whangapoua Beach (the reference points named being as shown on chart NZ531).”

(2) So much of the Schedule to the Fisheries (General) Regulations 1950, Amendment No. 22 as relates to regulation 72 (19) of the principal regulations is hereby consequentially revoked.

(3) The said regulation 72 is hereby further amended by inserting, after subclause (22), the following subclauses and headings:

*“Haurere Point to Te Kaha Point*

“(22A) All those waters lying within a distance of 2 nautical miles from high water mark on that part of the shore of the Bay of Plenty which commences at the westernmost extremity of Haurere Point approximately

8 nautical miles from Opotiki Harbour and extends to the westernmost extremity of Te Kaha Point (the reference points named being as shown on chart NZ54).

*“Waikawa Point to Orete Point*

“(22B) All waters lying within a straight line drawn from the westernmost extremity of Waikawa Point to the northernmost extremity of Orete Point on the eastern side of the Bay of Plenty (the reference points named being as shown on chart NZ54).”

**8. Trawl nets**—(1) The principal regulations are hereby amended by revoking regulation 75 (as substituted by regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 34), and substituting the following regulation:

“75. (1) No person shall use for fishing, or be in possession of, a trawl net that has—

“(a) More than one layer of mesh; or

“(b) Liners, sleeves, or flappers of any material whatsoever; or

“(c) Any mode of strengthening having centres of less than 1 m.

“(2) No person shall use for fishing, or be in possession of, in area 005 or area 006 of the Auckland Fisheries Management Area a trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is, in any part, less than 125 mm.

“(3) No person shall use for fishing, or be in possession of, in the Bay of Plenty Fisheries Management Area any net that is drawn or hauled by more than one vessel, or by more than one mechanical device (whether from a vessel or vessels or not), being a net of which the size of the mesh (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net.

“(4) Notwithstanding subclause (2) or subclause (3) of this regulation, no person shall use for fishing, or be in possession of (except while in transit to area E of the New Zealand Fisheries Management Area), in areas A, B, C, D, F, G, or area H of the New Zealand Fisheries Management Area, a trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is, in any part, less than 100 mm.

“(5) No person shall use for fishing, or be in possession of, in area E of the New Zealand Fisheries Management Area a trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is, in any part, less than 60 mm.

“(6) Nothing in this regulation shall be construed to prohibit the use of any chafer or chafing gear on the underside of the trawl net if the after end of any such chafer or chafing gear is and remains detached from the trawl net.”

(2) Regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

**9. Prohibition on use of trawl nets**—Regulation 79 of the principal regulations shall, in respect of the waters described in subclauses (13), (16A), and (16B) of regulation 80 of these regulations, apply only during the period commencing on the 1st day of January 1983 and expiring with the 30th day of April 1983.

**10. Prohibited waters for use of trawl net**—(1) Regulation 80 of the principal regulations is hereby amended by revoking subclause (13) (as amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 22), and substituting the following subclause and heading:

*“Kennedy Bay and Adjacent Waters*

“(13) The waters of Kennedy Bay on the Coromandel Peninsula and that part of the sea adjacent thereto lying within a radius of 2 nautical miles from Anarake Point and touching the coastline at high water mark approximately 1.75 nautical miles north of the northern entrance to Kennedy Bay and also at approximately 0.25 nautical miles south of the northern end of Whangapoua Beach (the reference points named being as shown on chart NZ531).”

(2) So much of the Schedule to the Fisheries (General) Regulations 1950, Amendment No. 22 as relates to regulation 80 (13) of the principal regulations is hereby consequentially revoked.

(3) The said regulation 80 is hereby further amended by inserting, after subclause (16), the following subclauses and headings:

*“Haurere Point to Te Kaha Point*

“(16A) All those waters lying within a distance of 2 nautical miles from high water mark on that part of the shore of the Bay of Plenty which commences at the westernmost extremity of Haurere Point approximately 8 nautical miles from Opotiki Harbour and extends to the westernmost extremity of Te Kaha Point (the reference points named being as shown on chart NZ54).

*“Waikawa Point to Orete Point*

“(16B) All waters lying within a straight line drawn from the westernmost extremity of Waikawa Point to the northernmost extremity of Orete Point on the eastern side of the Bay of Plenty (the reference points named being as shown on chart NZ54).”

(4) The said regulation 80 is hereby further amended by revoking subclause (30) (as substituted by regulation 7 (5) of the Fisheries (General) Regulations 1950, Amendment No. 34), and substituting the following subclause:

“(30) The waters of Pegasus Bay lying inside a straight line drawn from the north bank of the mouth of the Waimakariri River to Godley Head lighthouse to Beacon Rock to Wakaroa Point to Otohauo Head to Long Lookout Point to East Head at Okains Bay (the reference points named being as shown on charts NZ63 and NZ632).”

(5) Regulation 7 (5) of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

**11. Size limits for the taking of scallops**—Regulation 106 of the principal regulations (as substituted by regulation 2 of the Fisheries (General) Regulations, Amendment No. 31) is hereby amended by inserting, in subclause (1) after the word “take” in both places where it occurs, the words “or have in possession”.

**12. Restrictions on the taking of hake**—(1) Regulation 106Q of the principal regulations (as substituted by regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 35) is hereby amended—

(a) By revoking subclause (1); and

(b) By omitting from subclause (2) the expression “5200”, and substituting the expression “4450”.

(2) The said regulation 106Q is hereby further amended by revoking subclause (3), and substituting the following subclause:

“(3) Of the quota of 4450 tonnes, not more than 750 tonnes shall be taken from area D and not more than 3000 tonnes shall be taken from area G of the New Zealand Fisheries Management Area.”

(3) The said regulation 106Q is hereby further amended by revoking subclause (6), and substituting the following subclause:

“(6) When the Director-General is satisfied that in any fishing year New Zealand registered fishing boats have taken—

“(a) Approximately 4450 tonnes of hake from the New Zealand Fisheries Management Area; or

“(b) Approximately 750 tonnes of hake from area D of the New Zealand Fisheries Management Area; or

“(c) Approximately 3000 tonnes of hake from area G of the New Zealand Fisheries Management Area,—

he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of hake is prohibited for the remainder of that fishing year in the New Zealand Fisheries Management Area, or in area D or area G of the New Zealand Fisheries Management Area, as the case may require.”

**13. Restrictions on the taking of silver warehou**—Regulation 106R of the principal regulations (as substituted by regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 35) is hereby amended—

(a) By omitting from subclause (1) (b) the expression “800”, and substituting the expression “1100”;

(b) By omitting from subclause (1) (c) the expression “1300”, and substituting the expression “2900”.

**14. Restrictions on the taking of orange roughy**—(1) Regulation 106U of the principal regulations (as inserted by regulation 11 of the Fisheries (General) Regulations 1950, Amendment No. 35) is hereby amended—

(a) By omitting from wherever it appears the expression “24,730”, and substituting in each case the expression “29,700”;

(b) By omitting from wherever it appears the expression “19,790”, and substituting in each case the expression “19,750”.

(2) The said regulation 106U is hereby further amended by inserting, after subclause (2), the following subclauses:

“(2A) No person shall take orange roughy from the New Zealand Fisheries Management Area between the 1st day of August and the 30th day of September (inclusive) in any fishing year, and no person shall take orange roughy from areas C or D of the New Zealand Fisheries Management Area between the 1st day of March and the 30th day of April (inclusive) in any fishing year.

“(2B) There shall—

“(a) Be a maximum of 16 000 tonnes of orange roughy taken from areas C and D of the New Zealand Fisheries Management Area between the 1st day of May and the 31st day of July (inclusive) in any fishing year:

“(b) Be a maximum of 6750 tonnes of orange roughy taken from areas C and D of the New Zealand Fisheries Management Area between the first day of October and the last day of February (inclusive) in any fishing year,—

but the Minister may, if he is satisfied that less than 16 000 tonnes of orange roughy has been taken from areas C and D of the New Zealand Fisheries Management Area between the 1st day of May and the 30th day of September (inclusive) in any year, increase the limit of 6750 tonnes specified in paragraph (b) of this subclause to an amount equivalent to the difference between the amount taken and 16 000 tonnes.

“(2c) Of the catch limits specified in subclause (2B) (a) of this regulation, not more than 1800 tonnes of orange roughy may be taken from area C of the New Zealand Fisheries Management Area and not more than 14 200 tonnes of orange roughy may be taken from area D of the New Zealand Fisheries Management Area.

“(2D) Of the catch limits specified in subclause (2B) (b) of this regulation, not more than 1200 tonnes of orange roughy may be taken from area C of the New Zealand Fisheries Management Area and not more than 5550 tonnes of orange roughy may be taken from area D of the New Zealand Fisheries Management Area.”

**15. New regulations inserted**—The principal regulations are hereby amended by inserting, after regulation 106w (as inserted by regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 36), the following regulations:

“106x. **Restrictions on the taking of hoki**—(1) There shall be a quota of 15 000 tonnes for the taking of hoki by registered fishing boats from area G of the New Zealand Fisheries Management Area in any year.

“(2) Every master of a registered fishing boat taking hoki 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 hoki by that boat.

“(3) Failure to comply with the requirements of the Director-General under subclause (2) of this regulation shall constitute an offence by the owner and the master of the boat.

“(4) When the Director-General is satisfied that in any fishing year registered fishing boats have taken approximately 15 000 tonnes of hoki from area G of the New Zealand Fisheries Management Area he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of hoki is prohibited for the remainder of that fishing year in area G of the New Zealand Fisheries Management Area.

“106y. **Restrictions on the taking of oreo dory**—(1) There shall be a quota of 22 750 tonnes for the taking of oreo dory by registered fishing boats from the New Zealand Fisheries Management Area in any fishing year.

“(2) Of that quota of 22 750 tonnes, not more than 10 000 tonnes of oreo dory may be taken from area C and not more than 6750 tonnes may be taken from area D of the New Zealand Fisheries Management Area.

“(3) The master of every registered fishing boat taking oreo dory 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 oreo dory by that boat.

“(4) 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 in any fishing year registered fishing boats have taken—

“(a) Approximately 22 750 tonnes of oreo dory from the New Zealand Fisheries Management Area; or

“(b) Approximately 10 000 tonnes of oreo dory from area C of the New Zealand Fisheries Management Area; or

“(c) Approximately 6750 tonnes of oreo dory from area D of the New Zealand Fisheries Management Area—

he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of oreo dory is prohibited for the remainder of the fishing year in the New Zealand Fisheries Management Area, or in area C, or in area D of the New Zealand Fisheries Management Area, as the case may require.

“106z. **Restrictions on the taking of ling**—(1) There shall be a quota of 800 tonnes in any fishing year for the taking of ling by registered fishing boats, but only in respect of ling taken from the sea in that part of area E of the New Zealand Fisheries Management Area commencing at the eastern end of the southern boundary of area F of the New Zealand Fisheries Management Area then proceeding in a southerly direction to a point 49°00’S and 171°00’E; thence in a westerly direction to the boundary of the New Zealand Exclusive Economic Zone; thence in a northerly direction along that boundary to the western end of the southern boundary of the said area F at 48°30’S; thence eastward along that boundary to the point of commencement.

“(2) There shall be a quota of 1200 tonnes for the taking of ling in area F of the New Zealand Fisheries Management Area in any fishing year.

“(3) The master of every registered fishing boat taking ling 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 ling by that boat.

“(4) 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 in any fishing year registered fishing boats have taken—

“(a) Approximately 800 tonnes of ling from that part of area E as specified in subclause (1) of this regulation; or

“(b) Approximately 1200 tonnes of ling from area F of the New Zealand Fisheries Management Area,—

he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of ling is prohibited for the remainder of the fishing year in area F or the specified part of area E of the New Zealand Fisheries Management Area, as the case may require.



**“106ZA. Domestic vessels in exclusive economic zone to report—**

(1) The master of every registered fishing boat fishing outside the limit of the territorial sea as defined in the Territorial Sea and Exclusive Economic Zone Act 1977 in any part of the New Zealand Fisheries Management Area shall report the position of his boat and the quantity of each species of fish taken, in such form, and to be received at such times as the Director-General may require.

“(2) Failure to comply with the requirements of the Director-General under subclause (1) of this regulation shall constitute an offence by the owner and the master of the boat.”

**16. Restrictions on taking of fish around Poor Knights Islands—**

Regulation 1071 of the principal regulations (as inserted by regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 36) is hereby amended by omitting the words “No person shall take any wetfish for the purposes of sale from”, and substituting the words “No person holding a permit under Part I of the Act shall place gear or equipment for the taking of any wetfish in”.

**17. Fishing returns from Bay of Plenty—**The principal regulations are hereby amended by inserting, after regulation 109A, the following regulation—

“109B. (1) Every person fishing pursuant to a fishing permit in the Bay of Plenty 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 fish pursuant to that permit.

“(2) Failure to comply with the requirements of the Director-General under subclause (1) of this regulation shall constitute an offence by the owner and the master of the boat.”

**18. Fifth Schedule added to principal regulations—**The principal regulations are hereby amended by adding, as a Fifth Schedule, the Schedule set out in the Schedule to these regulations.

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SCHEDULE

Reg. 18

## NEW FIFTH SCHEDULE TO THE PRINCIPAL REGULATIONS

“FIFTH SCHEDULE      Regs. 4 (1), 75 (3), 109B

## BAY OF PLENTY FISHERIES MANAGEMENT AREA

All those waters bounded by a line extending eastward from Needles, Great Barrier Island, along 36°02'S to 180°00'E; thence southward to a point 37°41'S; thence westward to the high water mark of the North Island at East Cape; thence westward along the high water mark to Cape Colville; thence in a line to Cape Barrier on Great Barrier Island; thence along the high water mark of Great Barrier Island to the point of commencement at Needles.

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 2* relates to interpretation. The Bay of Plenty Fisheries Management Area is established, and substituted definitions are given to the terms "drag net" and "fish scaring device".

*Regulation 3* is a drafting amendment.

*Regulation 4* corrects the description of one of the points on the boundary of the Wairoa Hard.

*Regulation 5* in effect suspends until 1 June 1985 the provisions relating to net mesh sizes in Lake Ellesmere. Substituted provisions are in force until that date.

*Regulations 6 to 10* relate to restrictions and prohibitions on the use of trawl nets and Danish seine nets.

*Regulation 11* prohibits the possession of undersize scallops.

*Regulations 12 to 15* amend the quotas for hake, silver warehou, and orange roughy, and introduce quotas for hoki and oreo dory generally and for ling in areas E and F of the New Zealand Fisheries Management Area.

*Regulation 16* relates to commercial fishing around the Poor Knights Islands.

*Regulation 17* requires fishing returns from commercial fishermen in the Bay of Plenty Fisheries Management Area.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 July 1982.

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