



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 5**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of August 1991

Present:

THE 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

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Trawling by vessels over 43 m long prohibited in certain waters 4. Taking of tuatua prohibited in certain areas 5. Taking of green-lipped mussels prohibited in certain areas 6. Taking of kina prohibited in certain areas 7. Restrictions on taking of paddle crabs, octopus, and hagfish 8. Certain species may be taken by use of nets | <ul style="list-style-type: none"> 9. Taking of certain fish prohibited 10. Taking of green-lipped mussel spat prohibited in certain areas 11. New regulations substituted <ul style="list-style-type: none"> 20c. Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised 20d. Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc. 12. Taking of scallops |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 5, and shall be read together with and deemed part of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) The principal regulations are hereby amended by revoking regulation 2 (as substituted by regulation 2 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3), and substituting the following regulation:

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

“‘Act’ means the Fisheries Act 1983:

“‘Albacore tuna’ means a fish of the species *Thunnus alalunga*:

“‘Anchovy’ means a fish of the species *Engraulis australis*:

“‘Auckland Fisheries Area’ means any or all of those waters described as such in the Schedule to these regulations:

“‘Auckland Fishery Management Area’ means the fishery management area described as the Auckland Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412:

“‘Bigeye tuna’ means a fish of the species *Thunnus obesus*:

“‘Billfish’ means all species of the families *Istiophoridae* and *Xiphiidae*, including the following:

“(a) *Tetrapturus audax* (commonly known as the striped marlin):

“(b) *Makaira nigricans* (commonly known as the blue marlin):

“(c) *Makaira indica* (commonly known as the black marlin):

“(d) *Xiphias gladius* (commonly known as the broadbill swordfish):

“(e) *Tetrapturus augustirostris* (commonly known as the shortbill spearfish):

“(f) *Istiophorus platypterus* (commonly known as the sailfish):

“(g) Any other billfish by whatever name it may be locally known:

“‘Blue mackerel’ means a fish of the species *Scomber Australasicus*:

“‘Blue maomao’ means a fish of the species *Scorpiis violaceus*:

“‘Blue mussel’ means the shellfish *Mytilus edulis*:

“‘Brown bullhead catfish’ means a fish of the species *Ictalurus nebulosus*:

“‘Butterfish’ or ‘Greenbone’ means a fish of the species *Odax pullus* :

“‘Cardinal fish’ means a fish of the Genus *Epigonus*:

“‘Catseye’ means a shellfish of the genus *lunella*:

“‘Cockle’ means a shellfish of the species *Chione stutchburyi* (formerly known as *Austrovenus stutchburyi*):

*S.R 1986/216

Amendment No. 1: S.R. 1986/251

Amendment No. 2: S.R. 1988/5

Amendment No. 3: S.R. 1989/291

Amendment No. 4: S.R. 1991/60

- “‘Cod-end’ means that 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;
- “‘Commercial fisherman’ means any person who has a fishing permit issued under section 63 of the Act entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—
- “(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and
- “(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale;
- “‘Conger eel’ means a fish of the species family *Congridae*;
- “‘Conveyance’ means any vehicle, vessel, aircraft, hovercraft, animal, or other thing of whatever size which is capable of being used to carry or transport any fish or fishing gear;
- “‘Cooks turban’ means the shellfish *Cookia sulcata*;
- “‘Coromandel Scallop Fishery’ means the scallop fisheries within Quota Management Area 1, enclosed by a line running due North from Town Point (at 37° 44.60’ S and 176° 28.10’ E) in the Bay of Plenty to latitude 36° 02.60’ S and thence due East to the northernmost point of Great Barrier Island and thence to Cape Rodney;
- “‘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;
- “‘Dog cockle’ means the shellfish *Glycymeris laticostata*;
- “‘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 surrounding any fish and 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;

- “‘Dredge oyster’ means the shellfish *Tiostrea lutaria*;
- “‘Durvillea’ means a seaweed of the Genus *Durvillea*;
- “‘Ecklonia’ means a seaweed of the Genus *Ecklonia*;
- “‘Finfish’ includes the classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes);
- “‘Flying fish’ means a fish of the family *Exocoetidae*;
- “‘Frostfish’ means a fish of the species *Lepidopus caudatus*;
- “‘Garfish’ means a fish of the species *Euleptorhamphus viridis*;
- “‘Gigartina’ means a seaweed of the Genus *Gigartina*;
- “‘Gracilaria’ means a seaweed of the Genus *Gracilaria*;
- “‘Grandfather hapuku’ means a fish of the species *Scorpaena cardinalis*;
- “‘Green-lipped mussel’ means a shellfish of the species *Perna canaliculus*, but excludes green-lipped mussel spat;
- “‘Green-lipped mussel spat’ means a shellfish of the species *Perna canaliculus* that is less than 40 mm in length;
- “‘Hagfish’ means the fish *Eptatretus cirrhatus* (also commonly known as blind eel);
- “‘Harbour’ means those waters lying inside the seaward entrance to any harbour;
- “‘Horse mussel’ means the shellfish *Atrina zelandica*;
- “‘Jack mackerel’ means the fish that has the scientific name *Trachurus spp.*;
- “‘Kahawai’ means a fish of the species *Arripis trutta*;
- “‘Kermadec Fishery Management Area’ means the fishery management area described as the Kermadec Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412;
- “‘Kina’ means the shellfish that has the scientific name *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin that has the scientific name *Centrostephanus rodergii*;
- “‘King clam’ means the shellfish *Panopea zealandica*;
- “‘Kingfish’ means a fish of the species *Seriola lalandi* (formerly known as *Seriola grandis*);
- “‘Koheru’ means a fish of the species *Decapterus koheru*;
- “‘Koi’ means a fish of the species *Cyprinus carpio*;
- “‘Lampara net’ means any net that is operated from a vessel to encircle fish so that when the wings of the net are brought together fish are enclosed in the central bunt of the net; but does not include a net that has purse lines;
- “‘Lamprey’ means the fish *Geotria australis*;
- “‘Leatherjacket’ means a fish of the species *Parika scaber*;
- “‘Lessonia’ means a seaweed of the Genus *Lessonia*;
- “‘Limpet’ means a shellfish of the Genus *Cellana* or *Notoacmea*;
- “‘Longfinned eel’ means a fish of the species *Anguilla dieffenbachi*;
- “‘Longline’ means any line to which a hook or hooks (whether baited or not) are attached;
- “‘Macrocystis’ means a seaweed of the Genus *Macrocystis*;
- “‘Mud snail’ means the shellfish *Amphibola crenata*;
- “‘Moray eel’ means a fish of the species family *Muraenidae*;
- “‘Net’ includes any net capable of being used to take fish; but does not include a whitebait net;

- “ ‘Octopus’ means the shellfish *Octopus maorum*:
- “ ‘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:
- “ ‘Pacific oyster’ means the shellfish *Crassostrea gigas*:
- “ ‘Paddle crab’ means the crab *Ovalipes catharus*:
- “ ‘Parore’ means a fish of the species *Girrella tricuspidata*:
- “ ‘Pilchard’ means a fish of the species *Sardinops neopilchardus*:
- “ ‘Pink maomao’ means a fish of the species *Caprodon longimanus*:
- “ ‘Piper’ means a fish of the species *Hyporhamphus ihi*:
- “ ‘Pipi’ means the shellfish *Paphies australis*:
- “ ‘Porae’ means a fish of the species *Nemadactylus douglasi*:
- “ ‘Porphyra’ means a seaweed of the Genus *Porphyra*:
- “ ‘Prawn’ means a crustacean of the Genus *Plesioopenaenus*, *Aristaeomorpha*, *Haliporoides*, *Plesionika*, or *Campylonotus*:
- “ ‘Pterocladia’ means a seaweed of the Genus *Pterocladia*:
- “ ‘Purse seine net’ means any net that is operated from a vessel to encircle fish and is drawn together at the bottom by means of purse lines to enclose the fish:
- “ ‘Ray’s bream’ means a fish of the species *Brama brama*:
- “ ‘Red moki’ means a fish of the species *Cheilodactylus specabilis*:
- “ ‘Red snapper’ means a fish of the species *Centroberyx affinis*:
- “ ‘Ribaldo’ means a fish of the species *Mora mora*:
- “ ‘Rock lobster’ means the fish that has the scientific name *Jasus edwardsii* (commonly known as the spiny or red rock lobster) or *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):
- “ ‘Rock lobster pot’ means any pot, whether baited or not, which is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “ ‘Rock oyster’ means the shellfish *Saccostrea glomerata*:
- “ ‘Rubyfish’ means a fish of the species *Plagiogeneion rubiginosus*:
- “ ‘Saury’ means a fish of the species *Scomberesox saurus*:
- “ ‘Scallop’ means the shellfish *Pectin novaezealandiae*:
- “ ‘Scampi’ means a crustacean of the species *Metanephrops challengeri*:
- “ ‘Sea cucumber’ means a holothurian of the Genus *Stichopus*:
- “ ‘Sea hare’ means *Aplysia dactylomela*:
- “ ‘Sea horse’ means the fish *Hippocampus abdominalis*:
- “ ‘Sea tulip’ means the ascidian *Pyura pachydermatina*:
- “ ‘Set net’ includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- “ ‘Shortfinned eel’ means a fish of the species *Anguilla australis*:
- “ ‘Silver dory’ means a fish of the species *Cyttus novaezealandiae*:
- “ ‘Silver drummer’ means a fish of the species *Kyphosus sydneyanus*:
- “ ‘Skate and ray’ means a fish of the species *Rajiformes*:
- “ ‘Skipjack tuna’ means a fish of the species *Katsuwonus pelamis*:
- “ ‘Slender tuna’ means a fish of the species *Allothunnus fallai*:
- “ ‘Southern bluefin tuna’ means the fish that has the scientific name *Thunnus maccoyi*:
- “ ‘Southern blue whiting’ means a fish of the species *Micromesistius australis*:

- “‘Spiny dogfish’ means a fish of the species *Squalus acanthias*:
“‘Sponge’ means an animal of the *Phylum Porifera*:
“‘Spotted black groper’ means the fish that has the scientific name *Epinephalus daemelii*:
“‘Spotted stargazer’ means a fish of the species *Genyagnus monopterygius*:
“‘Squid’ means—
 “(a) The shellfish, commonly known as arrow squid, that has the scientific name *Nototodarus* sp; and
 “(b) The shellfish, commonly known as broad squid, that has the scientific name *Sepioteuthis bilineata*:
“‘Stalling’ means the process whereby a net is set in such a manner that any fish enclosed or entangled by the net is left stranded by the falling tide or is enclosed or entangled in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net:
“‘Surf clam’ means a shellfish of the species *Dosinia anus*, *Paphies donacina*, *Mactra discor*, *Mactra murchisoni*, *Spisula aequilateralis*, *Basina yatei*, or *Dosinia subrosa*:
“‘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—
 but does not include a Danish seine net:
“‘Tuatua’ means the shellfish *Paphies subtriangulata*:
“‘Tuna’ means a fish of the family *Scombridae*:
“‘Ulva’ means a seaweed of the Genus *Ulva*:
“‘Undaria’ means a seaweed of the Genus *Undaria*:
“‘Whelk’ means a shellfish of the Genus *Struthiolaria papulosa*, *Cominella maculosa*, *Cominella glandiformis*, *Haustrum haustorium*, *Buccinulum vittatum*, or *Buccinulum strebeli*:
“‘White warehou’ means a fish of the species *Seriotelella caerulea*:
“‘Whitebait net’ means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly known as whitebait:
“‘Wrasse’ means a fish of the family *Labridae*:
“‘Yellow-eyed mullet’ means a fish of the species *Aldrichetta forsteri*:
“‘Yellowfin tuna’ means a fish of the species *Thunnus albacares*:
“‘Zostera’ (also known as sea-grass or eel grass) means a seaweed of the Genus *Zostera*.

“(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986.”

(2) Regulation 2 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3 is hereby consequentially revoked.

3. Trawling by vessels over 43 m long prohibited in certain waters—Regulation 2A of the principal regulations (as inserted by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 1) is hereby amended—

- (a) By inserting in paragraph (a), after the expression “North Cape”, the expression “at a point 34° 24' S and 173° 02.5' E”;
- (b) By omitting from paragraph (b) the expression “173° 48' E, and substituting the expression “173° 47.40' E”;
- (c) By omitting from paragraph (b) the expression “173° 3.9' E”, and substituting the expression “173° 37.15' E”.

4. Taking of tuatua prohibited in certain areas—Regulation 4A (2) of the principal regulations (as inserted by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) *Kaipara to Maunganui Bluff*: The waters lying between the north head of Kaipara Harbour (at 36° 23.80' S and 174° 03.00' E) and Maunganui Bluff (at 35° 45.90' S and 173° 33.40' E) excluding the following areas:

“(i) The waters between Maunganui Bluff (at 35° 45.90' S and 173° 33.40' E) and a point one kilometre south of Omamari Beach entrance (at 35° 52.80' S and 173° 40.5' E); and

“(ii) The waters between a point one kilometre north and one kilometre south of Baylys Beach entrance (at 36° 57.20' S and 173° 44.40' E); and

“(iii) The waters between a point one kilometre north and one kilometre south of Mahuta Gap Beach entrance (at 36° 00.40' S and 173° 47.3' E); and

“(iv) The waters between Te Kopuru Rock near a point at 36° 04.20' S and 173° 50.85' E and the Black Rocks near a point at 36° 06.70' S and 173° 52.80' E.”

5. Taking of green-lipped mussels prohibited in certain areas—(1) Regulation 4B of the principal regulations (as inserted by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended—

- (a) By omitting from both subclause (1) and subclause (2) the words “green mussels”, and substituting in each case the words “green-lipped mussels”;
- (b) By omitting from subclause (2)(d) the word “Manakau”, and substituting the word “Manukau”.

(2) Regulation 4B of the principal regulations (as so inserted) is hereby further amended by revoking subclause (3), and substituting the following subclause:

“(3) It shall be lawful for a commercial fisherman to take green-lipped mussels by dredging in that area within quota management area 9 that is at the seaward entrance to the Kaipara Harbour bounded by a straight line from Te Kawau Point (at 36° 27.70' S and 174° 15.90' E) to Orongo Point on the Ohahukura Peninsula (at 36° 24.80' S and 174° 21.40' E) thence by a straight line to Te Ngaio Point (at 36° 23.60' S and 174° 17.00' E) thence by a straight line to the old lighthouse on the north head of the Kaipara Harbour (at 36° 23.60' S and 174° 07.60' E) thence by mean high water

mark to the southernmost extremity of the north head of the harbour (at 36° 24.20'S and 174° 03.00'E) thence by straight line to the westernmost extremity of the south head of the harbour (at 36° 28.80'S and 174° 09.40'E) thence by mean high water mark back to Te Kawau Point."

6. Taking of kina prohibited in certain areas—Regulation 4E of the principal regulations (as inserted by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by omitting the expression "(at 37° 32.20'S and 177° 59.00'E)", and substituting the expression "(at 37° 32.00'S and 177° 59.40'E)".

7. Restrictions on taking of paddle crabs, octopus, and hagfish—Regulation 5B of the principal regulations (as inserted by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by inserting, after subclause (1), the following subclause:

"(1A) No commercial fisherman who is authorised by a fishing permit to take any paddle crab by means of a set net shall so take any paddle crab using a net that has a net mesh size of less than 200 mm."

8. Certain species may be taken by use of nets—Regulation 5c of the principal regulations (as inserted by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by omitting from paragraph (b) the expression "sardines".

9. Taking of certain fish prohibited—The principal regulations are hereby amended by revoking regulation 5D (as inserted by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3).

10. Taking of green-lipped mussel spat prohibited in certain areas—Regulation 5E of the principal regulations (as inserted by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by omitting from both subclause (1) and subclause (2) the words "green mussel spat", and substituting in each case the words "green-lipped mussel spat".

11. New regulations substituted—The principal regulations are hereby amended by revoking regulation 20c (as inserted by regulation 6 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3), and substituting the following regulations:

"20c. Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised—(1) Subject to subclause (2) of this regulation, no commercial fisherman shall take from the waters of quota management area 1 or quota management area 9 any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation, or be in possession of any such fish, aquatic life, or seaweed if it has been taken from those waters.

“(2) Notwithstanding subclause (1) of this regulation, but subject to the Act and any regulations made under the Act, a commercial fisherman may take any fish, aquatic life, or seaweed specified in the Table set out in subclause (5) of this regulation from the waters of quota management area 1 or quota management area 9, or be in possession of any such fish, aquatic life, or seaweed, if—

“(a) 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 the commercial fisherman; or

“(b) In the case of any fish, aquatic life, or seaweed specified in Part A of that Table, the Director-General has, under subclause (3) of this regulation, authorised the commercial fisherman to take that fish, aquatic life, or seaweed as a target species.

“(3) Subject to the Act and any regulations made under the Act, the Director-General may, on receipt of an application in writing from a commercial fisherman, authorise the commercial fisherman to take as a target species any fish, aquatic life, or seaweed specified in Part A of the Table set out in subclause (5) of this regulation, and the Director-General may give any such authorisation either unconditionally or subject to such conditions as the Director-General thinks fit to impose.

“(4) Any authorisation given under subclause (3) of this regulation may at any time be withdrawn or cancelled by the Director-General by notice in writing to the commercial fisherman named in the authorisation.

“(5) The species and classes of fish, aquatic life, and seaweed to which subclause (1) of this regulation applies are as follows:

“PROHIBITED TARGET SPECIES

“Part A—Prohibited Unless Specially Authorised

| | | |
|--------------------------|----------------|--------------------|
| Blue mussel | Kina | Scallop |
| Catseye | King clam | Scampi |
| Cockle | Kingfish | Sea cucumber |
| Cooks turban | Lamprey | Sea hare |
| Dog cockle | Lessonia | Sea horse |
| Dredge oyster | Limpet | Sea tulip |
| Durvillea | Longfinned eel | Shortfinned eel |
| Ecklonia | Macrocystis | Sponge |
| Gigartina | Mud snail | Surf clam |
| Gracilaria | Pacific oyster | Tuatua |
| Green-lipped mussel | Pipi | Ulva |
| Green-lipped mussel spat | Porphyra | Undaria |
| Hagfish | Prawn | Whelk |
| Horse mussel | Pterocladia | Yellow-eyed mullet |
| Kahawai | Rock oyster | Zostera |

“Part B—Totally Prohibited as Target Species

- | | | |
|-------------------|--------------------|--------------------------|
| 1. Named species: | Blue maomao | Sharks of the order |
| | Butterfish | <i>Selachiforme</i> |
| | Conger eel | (excluding sharks of |
| | Grandfather hapuku | the families |
| | Leatherjacket | <i>Triakidae</i> (school |
| | Moray eels | shark and rig) and |
| | Parore | <i>Squalidae</i> (spiny |
| | Pink maomao | dogfish)) |
| | Porae | Silver drummer |
| | Red snapper | Skate and ray |
| | Red moki | Wrasse |
2. Any other fish, aquatic life, or seaweed, not being—
- (a) Fish, aquatic life, or seaweed that is subject to a quota management system; or
- (b) Fish, aquatic life, or seaweed specified in regulation 20D of these regulations; or
- (c) Fish, aquatic life, or seaweed specified in Part A of this Table.

“20D. **Fish, aquatic life and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc.**—Subject to the Act, any regulations or notice made under the Act, and any conditions that the Director-General imposes under the Act or under any such regulation or notice, a commercial fisherman may, where and to the extent that a current fishing permit held by the commercial fisherman so authorises, take from the waters of quota management area 1 or quota management area 9 any fish, aquatic life, or seaweed specified in the following Table and may be in possession of any such fish, aquatic life, or seaweed so taken.

“*Fish, Aquatic Life, or Seaweed that May be Taken Subject to Competitive or Individual Quotas, Method Restrictions, Etc.*

| | | |
|------------------------|---------------|-----------------------|
| Albacore tuna | Jack mackerel | Ribaldo |
| Anchovy | Koheru | Rubyfish |
| Bigeye tuna | Koi | Saury |
| Blue mackerel | Octopus | Skipjack tuna |
| Brown bullhead catfish | Paddle crab | Slender tuna |
| Cardinal fish | Pilchard | Southern bluefin tuna |
| Flying fish | Piper | Spiny dogfish |
| Garfish | Ray's bream | Yellowfin tuna.” |

12. Taking of scallops—Regulation 22 of the principal regulations (as substituted by regulation 7 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by omitting from subclause (4) the words “first Sunday after the 14th day of July and end 1 hour after sunset on the last Tuesday before the 25th day of December”, and substituting the words “15th day of July and end 1 hour after sunset on the 21st day of December”.

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 the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

Regulation 2 revokes regulation 2 of those regulations, which is the interpretation provision, and substitutes a new regulation 2 with the following substantive differences from the existing regulation:

- (a) 38 new definitions of various species and classes of fish, aquatic life, and seaweed are inserted; and
- (b) Slightly altered definitions of the terms "cockle", "jack mackerel", and "skipjack tuna" are substituted for the existing definitions, and definitions of the terms "green-lipped mussel" and "green-lipped mussel spat" replace the definitions of "green mussel" and "green mussel spat"; and
- (c) The definition of the term "sardine" is omitted.

Regulation 3 amends regulation 2A of the principal regulations, which prohibits trawling by vessels over 43 m long in certain waters, to insert a position co-ordinate for North Cape and to more accurately provide position co-ordinates for a point of the territorial sea boundary and a point 8 nautical miles west of the given territorial sea boundary.

Regulation 4 amends regulation 4A of the principal regulations, which prohibits the taking of tuatua in certain areas, to substitute a new description of the area from Kaipara to Maunganui Bluff.

Regulation 5 amends regulation 4B of the principal regulations, which prohibits the taking of green mussels in certain areas, to—

- (a) Substitute references to green-lipped mussels for the present references to green mussels; and
- (b) Confine dredging for green-lipped mussels to the seaward entrance of Kaipara Harbour; and
- (c) Correct the spelling of a place name.

Regulation 6 amends regulation 4E of the principal regulations, which prohibits the taking of kina in certain areas, to correct the position co-ordinates for Cape Runaway.

Regulation 7 amends regulation 5B of the principal regulations to establish a minimum net mesh size of 200 mm in set nets used for the taking of paddle crabs, where the taking of paddle crabs by this method has been authorised in a permit.

Regulation 8 removes a reference to sardines from regulation 5C of the principal regulations. Sardines are included in the definition of "pilchards" in the Fisheries (Commercial Fishing) Regulations 1986, and so are already subject to the 25 mm minimum net mesh size specified in regulation 21 of those regulations.

Regulation 9 revokes regulation 5D of the principal regulations as unnecessary in light of the new regulation 20C inserted by regulation 11 of these regulations.

Regulation 10 amends regulation 5E of the principal regulations by substituting references to green-lipped mussel spat for the present references to green mussel spat.

Regulation 11 revokes regulation 20C of the principal regulations, and substitutes new regulations 20C and 20D.

The new regulation 20C lists in Part A of the Table in subclause (5) fish, aquatic life, and seaweeds that may not be taken by a commercial fisherman from quota management areas 1 and 9 as target species other than under a special authorisation given by the Director-General under subclause (3).

Part B of the Table lists fish, aquatic life, and seaweeds that may not be taken at all as target species. Included in this list are all fish, aquatic life, and seaweeds that are not subject to a quota management system or are not listed in Part A of the Table or in the new regulation 20D.

The new regulation 20D lists fish, aquatic life, and seaweeds that may be taken in quota management areas 1 and 9 without restriction other than those already imposed by or under the Act or any fishing permit in relation to competitive quotas, individual quotas, methods of fishing, and so on.

Regulation 12 amends regulation 22 of the principal regulations to set the season for scallop fishing in the Coromandel scallop fishery as the period from 15 July to 21 December in each year, rather than the period from the first Sunday following 14 July to the last Tuesday before 25 December.

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*Fisheries (Auckland and Kermadec Areas Commercial
Fishing) Regulations 1986, Amendment No. 5*

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

Date of notification in *Gazette*: 29 August 1991.

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