

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of August 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title
These regulations are the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008.
- 2 Commencement
These regulations come into force on 1 October 2008.
- 3 Principal regulations amended
These regulations amend the Fisheries (Challenger Area Amateur Fishing) Regulations 1986.
- 4 Interpretation

(1) Regulation 2A is amended by revoking the definition of **Challenger (East) Area** and substituting the following definition:

“*Challenger (East) Area*—

- “(a) means all that area of New Zealand fisheries waters enclosed by a line that—
 - “(i) commences at Farewell Spit Lighthouse (at 40°32.70’S and 173°00.50’E); and
 - “(ii) then proceeds north along this line of longitude to a point on the boundary of Fisheries Management Area 7 (at 39°38.00’S and 173°00.60’E); and
 - “(iii) then proceeds in a generally south-easterly direction directly to a point at 40°32.00’S and 174°20.00’E; and
 - “(iv) then proceeds in a generally southerly direction to the Brothers Island Lighthouse (at 41°06.20’S and 174°26.50’E); and
 - “(v) then proceeds in a generally southerly direction directly to a point (at 42°10.00’S and 174°42.00’E); and
 - “(vi) then proceeds west along the 42°10.00’S line of latitude to the mean high-water mark of the South Island near Clarence Point (at 42°10.00’S and 173°56.00’E); and
 - “(vii) then proceeds along the mean high-water mark of the South Island in generally northerly, westerly, and south-westerly directions to the point of commencement; but
- “(b) does not include the Marlborough Sounds Area”.

(2) Regulation 2A is amended by revoking the definition of **Challenger Fisheries Management Area** and substituting the following definition:

“*Challenger Fisheries Management Area* means all that area of New Zealand fisheries waters enclosed by a line that—

- “(a) commences on the mean high-water mark of the west coast of the South Island at the westernmost point of Awarua Point (at 44°15.60’S and 168°03.10’E); and
- “(b) then proceeds west along this line of latitude to the exclusive economic zone boundary (longitude 162°12.90’E); and
- “(c) then proceeds in a generally north-easterly direction along the exclusive economic zone boundary to the easternmost point of the exclusive economic zone boundary nearest 37°35.60’S and 170°05.70’E; and
- “(d) then proceeds in a generally south-easterly direction directly to a point at 40°32.00’S and 174°20.00’E; and
- “(e) then proceeds in a generally southerly direction directly to the Brothers Island Lighthouse (at 41°06.20’S and 174°26.50’E); and
- “(f) then proceeds in a generally southerly direction directly to a point (at 42°10.00’S and 174°42.00’E); and
- “(g) then proceeds west along the 42°10.00’S line of latitude to the mean high-water mark of the South Island near Clarence Point (longitude 173°56.50’E); and
- “(h) then proceeds along the mean high-water mark of the South Island in a generally northerly, westerly, and south-westerly direction to the point of commencement”.

(3) Regulation 2A is amended by revoking the definition of **Marlborough Sounds Area** and substituting the following definition:

“*Marlborough Sounds Area* means all that area of New Zealand fisheries waters enclosed by a line that—

- “(a) commences at West Head of Tory Channel on the north coast of the South Island (at 41°12.79’S and 174°18.92’E); and
- “(b) then proceeds in a straight line to East Head of Tory Channel (at 41°12.60’S and 174°19.40’E); and
- “(c) then proceeds in a generally northerly direction along the mean high-water mark to Cape Koamaru (at 41°05.50’S and 174°23.00’E); and
- “(d) then proceeds in a straight line to Cape Jackson (at 40°59.70’S and 174°18.80’E); and
- “(e) then proceeds in a straight line to the northernmost point of Stephens Island (at 40°39.90’S and 174°00.00’E); and

“(f) then proceeds in a southwesterly direction along the mean high-water mark to the southernmost point of Stephens Island (at 40°40.60’S and 173°59.40’E); and
“(g) then proceeds in a straight line to Cape Stephens (at 40°41.57’S and 173°57.21’E); and
“(h) then proceeds in a generally southerly direction along the mean high-water mark along the eastern side of D’Urville Island to Reef Point at French Pass (at 40°55.17’S and 173°50.01’E); and
“(i) then proceeds in a straight line to Channel Point Lighthouse (at 40°55.50’S and 173°50.10’E); and
“(j) then proceeds along the mean high-water mark of the South Island in a generally easterly direction to the point of commencement”.

5 New regulation 2E inserted

The following regulation is inserted after regulation 2D:

“2E Blue cod must be landed in whole or gutted state

All blue cod landed within the Marlborough Sounds Area must be landed in a whole or gutted state, except for blue cod that is to be used for immediate personal consumption on board the vessel during the trip in which that blue cod was taken.”

6 Double Cove finfishing restrictions

Regulation 4 is amended by—

(a) omitting “Nohokouau Point (at 41°14.4’S and 174°0.5’E)” and substituting

“Nohokouau Point (at 41°14.36’S and 174°00.53’E)”; and

(b) omitting “peninsula (at 41°14.5’S and 174°1.4’E)” and substituting “peninsula (at 41°14.43’S and 174°01.47’E)”.

7 Set net prohibition

(1) Regulation 4A(1) is amended by revoking paragraphs (a) to (c) and substituting the following paragraphs:

“(a) *Pelorus Sound*: the waters inside a line running from Cregoe Point (at 41°03.20’S and 173°49.90’E) to Camel Point (at 41°01.91’S and 173°48.60’E) to Sheep Point (at 41°01.07’S and 173°48.84’E) and inside a line running from Tawero Point (at 41°03.80’S and 173°57.00’E) to Opani-aputa Point (at 41°04.70’S and 173°58.50’E):

“(b) *Croisilles Harbour*: the waters inside a line running from Cape Soucis (at 41°03.20’S and 173°35.60’E) to the outermost point of Motuanauru Island (at 41°02.50’S and 173°38.40’E) to the outermost point of Otuhaereroa Island (at 41°02.30’S and 173°39.60’E) to Kokaho Point (at 41°02.30’S and 173°40.30’E).”

(2) Regulation 4A(4) is amended by—

(a) omitting “Koutuwai Point (at approximately 41°12.65’S and 173°52.30’E)” and substituting “Koutuwai Point (at 41°12.53’S and 173°52.38’E)”; and

(b) omitting “Kenepuru Sound (at approximately 41°13.30’S and 173°51.70’E)” and substituting “Kenepuru Sound (at 41°13.30’S and 173°51.70’E)”.

8 New regulations 4AB to 4AD inserted

The following regulations are inserted after regulation 4A:

“4AB Set net fishing prohibited in certain area from Clarence Point to Cape Jackson

“(1) A person must not use a set net for fishing in the waters lying within an area bounded by a line that—

“(a) commences at the mean high water mark at Clarence Point (at 42°10.00’S and 173°56.00’E); and

“(b) then proceeds due east 4 nautical miles, then generally follows the coast north to a point on the Challenger Fisheries Management Area boundary (at 42°10.00’S and 174°01.74’E); and

“(c) then proceeds in a line 4 nautical miles from the mean high-water mark to a point on the Challenger Fisheries Management Area boundary (at 41°11.37’S and 174°27.76’E); and

“(d) then proceeds in a straight line to a point on the Challenger Fisheries Management Area boundary (at 41°01.85’S and 174°25.67’E); and

“(e) then proceeds around the line of the coast to a point 4 nautical miles due north of Cape Jackson light (at 40°55.62’S and 174°18.80’E); and

“(f) then proceeds due south to Cape Jackson light (at 40°59.70’S and 174°18.80’E); and

“(g) then proceeds in a southerly direction along the mean high-water mark to the west bank of the Wairau River (at 41°30.02’S and 174°03.65’E); and

“(h) then proceeds in a straight line to the east bank of the Wairau River (at 41°30.05’S and 174°03.72’E); and

“(i) then proceeds south along the line of the mean high-water mark to Clarence Point (at 42°10.00’S and 173°56.00’E).

“(2) For the purposes of the area defined in subclause (1), a straight line joining the high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

“4AC Exemption from prohibition in regulation 4AB

“(1) Despite regulation 4AB, a person may, during the period commencing on 1 April in each year and ending on 30 September in that year, use a flatfish set net in the waters described in subclause (2).

“(2) The waters referred to in subclause (1) are the waters enclosed by the following co-ordinates, which are points in the inner Queen Charlotte Sounds joined by a straight line extending landward (inside the Sounds):

“(a) Ruakaka Bay–West Head (at 41°12.93’S and 174°08.63’E); and

“(b) Dieffenbach Point (at 41°14.00’S and 174°08.70’E).

“(3) **Flatfish set net** means a net that—

“(a) is equal to or less than 9 meshes deep; and

“(b) has a monofilament diameter equal to or less than 0.35 mm; and

“(c) has a mesh size equal to or greater than 100 mm; and

“(d) is anchored at each end; and

“(e) does not exceed a total length of 60 m.

“4AD Set net fishing prohibited in certain area from Farewell Spit Lighthouse to Awarua Point

“(1) A person must not use a set net for fishing in the waters lying within 2 nautical miles from the mean high-water mark to the sea in a line that—

“(a) extends from Farewell Spit Lighthouse (at 40°32.70’S and 173°00.50’E); and

“(b) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Whanganui Inlet’s east headland (at 40°34.46’S and 172°33.05’E); and

“(c) then proceeds in a straight line to the Whanganui Inlet’s west headland (at 40°35.00’S and 172°32.00’E); and

“(d) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Little Wanganui east head (at 41°23.46’S and 172°03.63’E); and

“(e) then proceeds in a straight line to the Little Wanganui west head (at 41°23.46’S and 172°03.19’E); and

“(f) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Mokihinui River (at 41°31.18’S and 171°56.31’E); and

“(g) then proceeds in a straight line to the south bank of the Mokihinui River (at 41°31.43’S and 171°56.11’E); and
“(h) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the east head of the Orowaiti Lagoon (at 41°44.42’S and 171°40.16’E); and
“(i) then proceeds in a straight line to the west head of the Orowaiti Lagoon (at 41°44.42’S and 171°39.37’E); and
“(j) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Buller River west bank (at 41°43.93’S and 171°35.17’E); and
“(k) then proceeds in a straight line to the Buller River east bank (at 41°43.93’S and 171°35.62’E); and
“(l) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Waitakere/Nile River west bank (at 41°53.81’S and 171°26.62’E); and
“(m) then proceeds in a straight line to the Waitakere/Nile River east bank (at 41°53.81’S and 171°26.71’E); and
“(n) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Grey River (at 42°26.32’S and 171°11.49’E); and
“(o) then proceeds in a straight line to the south bank of the Grey River (at 42°26.39’S and 171°11.38’E); and
“(p) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the north entrance of the Hokitika River (at 42°43.22’S and 170°57.10’E); and
“(q) then proceeds in a straight line to the south entrance of the Hokitika River (at 42°43.31’S and 170°56.91’E); and
“(r) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Kakapotahi River (at 42°57.26’S and 170°39.74’E); and
“(s) then proceeds in a straight line to the Kakapotahi River south bank (at 42°57.40’S and 170°39.53’E); and
“(t) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the westernmost point of Awarua Point (at 44°15.60’S and 168°03.10’E).

“(2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.”

9 Pelorus Sound longlining restrictions

Regulation 4E(2) is amended by—

- (a) omitting “Tawero Point (at approximately 41°03.80’S and 173°48.80’E)” and substituting “Tawero Point (at 41°03.80’S and 173°57.00’E)”; and
- (b) omitting “Opani-aputa Point (at approximately 41°04.70’S and 173°58.50’E)” and substituting “Opani-aputa Point (at 41°04.70’S and 173°58.50’E)”.

10 New regulation 4F inserted

The following regulation is inserted after regulation 4E:

“4F Marlborough Sounds blue cod restrictions

- “(1) A person must not take blue cod from within the enclosed waters of the Marlborough Sounds during the period commencing on 1 October 2008 and ending on 1 October 2012.

“(2) A person contravenes this subclause if the person, on any day during the period referred to in subclause (1),—

“(a) takes no more than 3 blue cod from within the enclosed waters of the Marlborough Sounds; or

“(b) possesses no more than 3 blue cod taken from within those enclosed waters.

“(3) A person contravenes this subclause if the person, on any day during the period referred to in subclause (1),—

“(a) takes more than 3 blue cod from within the enclosed waters of the Marlborough Sounds; or

“(b) possesses more than 3 blue cod taken from within those enclosed waters.

“(4) For the purposes of this regulation, the **enclosed waters of the Marlborough Sounds** means all that area of New Zealand fisheries waters inside a line—

“(a) between Te Akaroa Point/West Entry Point (at 40°56.83’S and 173°59.85’E) and the southern point of Duffers Reef (at 40°57.11’S and 174°03.05’E), and a line between the nearest 2 points of Allen Strait, Western Head (at 40°59.68’S and 174°03.77’E) and Eastern Head (at 40°59.77’S and 174°03.93’E); and

“(b) between Kaikanohi (at 41°04.14’S and 174°16.26’E) and Paparoa Point (at 41°06.99’S and 174°20.94’E), and a line between East Head (at 41°12.60’S and 174°19.40’E) and West Head (at 41°12.79’S and 174°18.92’E) of Tory Channel.”

11 Offences and penalties

(1) Regulation 5(1) is amended by—

(a) omitting “2C” and substituting “2C to 2E”; and

(b) omitting “or 4E” and substituting “4AC, 4E, or 4F(2)”.

(2) Regulation 5(2) is amended by omitting “regulation 2B(9) or 3A(1B)” and substituting “any of regulations 2B(9), 3A(1B), 4AB, 4AD, and 4F(3)”.

Rebecca Kitteridge,
Clerk of the Executive Council.

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These regulations are administered by the Ministry of Fisheries.