

## **Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002**

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

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### **1 Title**

- (1) These regulations are the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002.
- (2) In these regulations, the Fisheries (Challenger Area Commercial Fishing) Regulations 1986<sup>1</sup> are called “the principal regulations”.

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<sup>1</sup> SR 1986/218

**2 Commencement**

These regulations come into force on 1 October 2002.

**3 Interpretation**

Regulation 2(1) of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

**cockle** means the shellfish of the species *Chione (Austrovenus) stutchburyi*

**mechanical cockle harvester** —

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“(a) means a device—

“(i) that is driven, towed, or propelled by a mechanical means over the seabed or foreshore; or

“(ii) attached to, or used in conjunction with, another mechanical device that is capable of taking cockles; but

“(b) does not include handtools or support equipment used in conjunction with hand-gathering”.

**4 Regulation 12C inserted**

The principal regulations are amended by inserting, after regulation 12B, the following regulation:

**“12C Restrictions on taking cockle**

“(1) A commercial fisher must not take cockle, or possess cockle taken, from quota management area 7A, except from the waters of Tapu Bay, Ferry Point, or Pakawau Beach.

“(2) In this section,—

“(a) **Tapu Bay** is the water within the area defined by a line commencing at the mean high-water mark of the South Island at 41°04.7’S and approximately 173°00.6’E; then proceeding in a generally northerly direction along the mean high-water mark to the southernmost point of Anawere Point at 41°03.1’S and 173°01.1’E; then proceeding in a southerly direction along the line of longitude 173°01.1’E to a point at 41°04.01’S; then proceeding in a straight line to the point of origin;

“(b) **Ferry Point** is the water within the area defined by a line commencing at the mean high-water mark of

the South Island at 40°38.42'S and approximately 172°40.86'E; then proceeding generally in an easterly direction along the line of latitude 40°38.42'S to a point at 172°41.04'E; then proceeding generally north to a point at 40°37.76'S and 172°41.04'0"E; then proceeding west to the mean high-water mark at 40°37.76'S and approximately 172°40.86'E; then proceeding generally in a southerly direction along the mean high-water mark to the point of origin:

- “(c) **Pakawau Beach** is the water within the area defined by a line commencing at the mean high-water mark of the South Island at 40°31.1'S and approximately 172°44.33'E (the mouth of Puponga Inlet, Golden Bay); then proceeding south along the boundary of the Farewell Spit Nature Reserve to a point at 40°32.55'S and 172°44.67'E; then proceeding generally in a south-westerly direction to a point at 40°35.27'S and 172°42.13'E; then proceeding generally in an easterly direction to a point at 40°35.67'S and 172°41.33'E (Pakawau Inlet, Golden Bay); then proceeding generally in a north-easterly direction along the mean high-water mark to the point of origin.
- “(3) A commercial fisher must not take cockle, or possess cockle taken, from within 150 metres of the mean high-water mark of Outer (Goat) Island in Tapu Bay.
- “(4) A commercial fisher must not take cockle, or possess cockle taken, from quota management area 7B.”

## **5 Regulation 14B revoked**

Regulation 14B of the principal regulations is revoked.

## **6 Restriction on method of taking of paddle crabs, octopus, or hagfish**

- (1) The heading to regulation 14F of the principal regulations is amended by omitting the words “**paddle crabs**.”
- (2) Regulation 14F of the principal regulations is amended by omitting from subclauses (1) and (3) the words “paddle crab”.

## **7 Regulation 14G revoked**

Regulation 14G of the principal regulations is revoked.

## **8 Offences**

- (1) Regulation 15(1) of the principal regulations is amended by omitting the expression “14B(2),”.
- (2) Regulation 15(2) of the principal regulations is amended by—
  - (a) omitting the expressions “14B(1),” and “14G,”; and
  - (b) inserting, after the words “12A(2) or (3),” the expression “12C,”.

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 1 October 2002, amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986. The amendments are required as a consequence of certain stocks being brought within the quota management system.

The commercial harvest of cockle within COC7A is restricted to the defined areas of Tapu Bay, in Tasman Bay, and Ferry Point and Pakawau Beach, both in Golden Bay. The taking of cockle is prohibited from COC7B altogether. The restrictions also apply to possessing cockle taken from the restricted or prohibited areas. A corresponding amendment is made to regulation 15(2) to bring this provision within the offence provisions.

A definition is provided for **mechanical cockle harvester** to cover the practice, within COC 7A, of using mechanical cockle harvesters. Commercial fishers will be required to record this fishing method when harvesting cockle in COC7A for the purposes of reporting under the Fisheries (Reporting) Regulations 2001. This provision replaces the current arrangement where cockle taken by mechanical cockle harvester are recorded as being taken by hand gathering.

Kina are being brought within the quota management system, so an amendment revokes the regulations that set the daily take or possession limit and the commercial catch limits for kina in quota manage-

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ment area 7. The offence provision is amended to reflect that revocation.

Because paddle crab are also being brought within the quota management system, the fishing method restrictions for this stock are no longer required.

The commercial catch limits for anchovy, garfish, pilchard, and sprats fished within quota management area 7 are revoked as a consequence of these fish being brought within the quota management system. A corresponding amendment is made to the offence provision.

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