



Fisheries (Southland and Sub-Antarctic Areas Commercial 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Interpretation	2
5 New regulation 3AB inserted	2
3AB Set net fishing prohibited in defined area from Slope Point to Sand Hill Point	2
6 New regulation 4 inserted	4

	4	Trawling prohibited in defined area from Slope Point to Sand Hill Point	4
7		Offences	5

Regulations

- 1 **Title**
These regulations are the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2008.
- 2 **Commencement**
These regulations come into force on 1 October 2008.
- 3 **Principal regulations amended**
These regulations amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.
- 4 **Interpretation**
Regulation 2(1) is amended by inserting the following definition in its appropriate alphabetical order:
“**low headline height trawl net** means a trawl net that—
 - “(a) has been manufactured or modified with the intention of having a net opening with a vertical height of no more than 1 metre; and
 - “(b) is fitted with a device (for example, a spreader bar, rope, or wire) that is no more than 1 metre long on the wing-end to constrain the wing-end height to below 1 metre; and
 - “(c) has buoyancy on the headline that does not exceed 60 kilograms”.
- 5 **New regulation 3AB inserted**
The following regulation is inserted after regulation 3A:
“**3AB Set net fishing prohibited in defined area from Slope Point to Sand Hill Point**
“(1) A commercial fisher must not use a set net for fishing in the waters lying within an area bounded by a line that—

- “(a) extends from Slope Point (at 46°40.50’S and 169°00.00’E); and
- “(b) then proceeds west along the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.94’S and 168°47.94’E); and
- “(c) then proceeds in a straight line to the western entrance of Toetoes Harbour (at 46°34.87’S and 168°47.73’E); and
- “(d) then proceeds in a generally westerly direction along the mean high-water mark to Tiwai Point (at 46°36.13’S and 168°22.23’E); and
- “(e) then proceeds in a straight line to Stirling Point (at 46°36.73’S and 168°21.56’E); and
- “(f) then proceeds in a generally westerly direction along the mean high-water mark to the southern side of the New River Estuary mouth (at 46°31.00’S and 168°16.24’E); and
- “(g) then proceeds in a straight line to the northern side of the New River Estuary mouth (at 46°29.49’S and 168°16.24’E); and
- “(h) then proceeds in a generally westerly direction along the mean high-water mark to the northern entrance to Jacobs River Estuary (at 46°21.46’S and 168°01.34’E); and
- “(i) then proceeds in a straight line to Talls Point (at 46°21.60’S and 168°01.34’E); and
- “(j) then proceeds in a generally westerly direction along the mean high-water mark to Sand Hill Point (at 46°15.20’S and 167°19.05’E); and
- “(k) then in a straight line 4 nautical miles south-east from Sand Hill Point (at 46°19.29’S and 167°19.89’E); and
- “(l) then proceeds at a distance of 4 nautical miles from the mean high-water mark to a point (at 46°17.13’S and 167°25.38’E); and
- “(m) then proceeds in a straight line to a point (at 46°20.15’S and 167°35.97’E); and
- “(n) then proceeds in a generally easterly direction at a distance of 4 nautical miles from the mean high-water mark to a point on the Southland and Sub-Antarctic

Fishery Management Area boundary (at 46°44.36'S and 169°03.57'E); and

“(o) then proceeds in a straight line to Slope point (at 46°40.50'S and 169°00.00'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.”

6 New regulation 4 inserted

The following regulation is inserted before regulation 4A:

“4 Trawling prohibited in defined area from Slope Point to Sand Hill Point

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

“(a) extends from Slope Point (at 46°40.50'S and 169°00.00'E); and

“(b) then proceeds west along the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.94'S and 168°47.94'E); and

“(c) then proceeds in a straight line to the western entrance of Toetoes Harbour (at 46°34.87'S and 168°47.73'E); and

“(d) then proceeds in a generally westerly direction following a line by the mean high-water mark to Tiwai Point (at 46°36.13'S and 168°22.23'E); and

“(e) then proceeds in a straight line to Stirling Point (at 46°36.73'S and 168°21.56'E); and

“(f) then proceeds in a generally westerly direction along the mean high-water mark to the southern side of New River Estuary mouth (at 46°31.00'S and 168°16.24'E); and

“(g) then proceeds in a straight line to the northern side of New River Estuary mouth (at 46°29.49'S and 168°16.24'E); and

- “(h) then proceeds in a generally westerly direction following a line by the mean high-water mark to Talls Point (at 46°21.60’S and 168°01.34’E); and
 - “(i) then proceeds in a straight line to the southernmost point of the northern entrance to Jacobs River Estuary (at 46°21.46’S and 168°01.34’E); and
 - “(j) then proceeds in a generally northerly direction following a line by the mean high-water mark to Sand Hill Point (at 46°15.20’S and 167°19.05’E); and
 - “(k) then proceeds in a straight line in a south-easterly direction to a point (at 46°17.31’S and 167°19.49’E); and
 - “(l) then proceeds easterly at a distance of 2 nautical miles from the mean high-water mark to a point along the Southland and Sub-Antarctic Fishery Management Area boundary (at 46°42.32’S and 169°01.68’E); and
 - “(m) then proceeds in a generally northerly direction to Slope Point (at 46°40.50’S and 169°00.00’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 coordinates are provided.
- “(3) This regulation does not apply to a commercial fisher who uses a low headline height trawl net.”

7 Offences

Regulation 16(2) is amended by omitting “3 to 3BA, 3D, 3E, 4 to 4B” and substituting “3, 3A, 3AB, 3B, 3BA, 3D, 3E, 4, 4A, 4B”.

Rebecca Kitteridge,
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 2008, amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

The amendments—

- introduce new measures that prohibit the use of trawl nets and set nets in certain defined areas in order to avoid, remedy, or mitigate the effects of fishing-related mortality on Hector's and Maui's dolphins; and
- make it an offence to act in contravention of, or fail to comply with, the new measures; and
- make changes to the principal regulations that are consequential upon the introduction of the new measures.

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

Date of notification in *Gazette*: 28 August 2008.

These regulations are administered by the Ministry of Fisheries.
