



Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 3rd day of December 2012

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 Commercial Fishing) Amendment Regulations 2012.

2 Commencement

These regulations come into force on 3 January 2013.

3 Principal regulations

These regulations amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 (the **principal regulations**).

4 Regulation 2BC amended (Set net fishing prohibited in certain areas from Clarence Point to Cape Jackson)

After regulation 2BC(2), insert:

“(3) However, subclause (1) does not apply to a commercial fisher if the commercial fisher uses a set net only to take butterfish from any of the waters described in subclause (4).

“(4) The waters are—

“(a) Cape Jackson to Little Waikawa Bay (Kaikanohi): all that area of New Zealand fisheries waters enclosed by a line that—

“(i) commences at a point on the mean high-water mark at Cape Jackson (at 40°59.70'S and 174°18.80'E); then

“(ii) proceeds due north to a point offshore (at 40°59.50'S and 174°18.80'E); then

“(iii) proceeds in a generally southerly direction along a line every point of which is approximately 200 metres from the mean high-water mark to a point offshore (at 41°04.14'S and 174°16.47'E); then

“(iv) proceeds due west to a point on the mean high-water mark at Kaikanohi (on the northern head of Little Waikawa Bay) (at 41°04.14'S and 174°16.29'E); then

“(v) proceeds in a generally northerly direction along the mean high-water mark of the South Island to the commencement point:

“(b) Cooper Point to Deep Bay: all that area of New Zealand fisheries waters enclosed by a line that—

- “(i) commences at a point on the mean high-water mark of Arapawa Island at the northernmost point of Cooper Point (at 41°07.07'S and 174°18.95'E); then
- “(ii) proceeds due north to a point offshore (at 41°06.95'S and 174°18.95'E); then
- “(iii) proceeds in a generally north-easterly then south-westerly direction along a line every point of which is approximately 200 metres from the mean high-water mark of Arapawa Island to a point offshore (at 41°13.75'S and 174°15.67'E); then
- “(iv) proceeds due west to a point on the mean high-water mark at the easternmost point of the southern head of Deep Bay (at 41°13.75'S and 174°15.51'E); then
- “(v) proceeds in a generally north-easterly then south-westerly direction along the mean high-water mark of Arapawa Island to the commencement point:

“(c) Oyster Bay to Rarangi: all that area of New Zealand fisheries waters enclosed by a line that—

- “(i) commences at a point on the mean high-water mark at the northernmost point of Tio Point (on the western side of Oyster Bay) (at 41°14.68'S and 174°14.78'E); then
- “(ii) proceeds due north to a point offshore (at 41°14.55'S and 174°14.78'E); then
- “(iii) proceeds in a generally north-easterly then southerly direction along a line every point of which is approximately 200 metres from the mean high-water mark of the South Island to a point offshore (at 41°23.49'S and 174°03.25'E); then

- “(iv) proceeds due west to a point on the mean high-water mark at the northern end of Rarangi Beach (at 41°23.49'S and 174°03.07'E); then
- “(v) proceeds in a generally northerly then south-westerly direction along the mean high-water mark of the South Island to the commencement point:
- “(d) Cape Campbell to Needles Point: all that area of New Zealand fisheries waters enclosed by a line that—
 - “(i) commences at a point on the mean high-water mark at the northernmost point of Cape Campbell (at 41°43.55'S and 174°16.57'E); then
 - “(ii) proceeds due north to a point offshore (at 41°43.43'S and 174°16.57'E); then
 - “(iii) proceeds in a south-westerly direction along a line every point of which is approximately 200 metres from the mean high-water mark of the South Island to a point offshore (at 41°52.37'S and 174°09.98'E); then
 - “(iv) proceeds due west to a point on the mean high-water mark at the easternmost point of Needles Point (at 41°52.37'S and 174°09.82'E); then
 - “(v) proceeds in a north-easterly direction along the mean high-water mark of the South Island to the commencement point:
- “(e) Brothers Islands: the waters lying inside a line every point of which is 200 metres from the mean high-water mark of all of the islands, islets, and rocks of the Brothers Islands group:
- “(f) White Rocks: the waters lying inside a line every point of which is 200 metres from the mean high-water mark of White Rocks:
- “(g) Motuara Island: the waters lying inside a line every point of which is 200 metres from the mean high-water mark of Motuara Island:
- “(h) Motungarara Island: the waters lying inside a line every point of which is 200 metres from the mean high-water mark of Motungarara Island:

“(i) The Twins: the waters lying inside a line every point of which is 200 metres from the mean high-water mark of The Twins.”

Michael Webster,
for 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 3 January 2013, amend regulation 2BC of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, which prohibits commercial set net fishing in certain areas from Clarence Point to Cape Jackson. The amendments insert *new subclauses (3) and (4)*, which provide that the prohibition does not apply to commercial fishers using a set net to take butterfish in certain prescribed waters within those areas.

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

Date of notification in *Gazette*: 6 December 2012.

These regulations are administered by the Ministry for Primary Industries.
