



Fisheries (Fishing-related Mortality Limits of Marine Mammals and Other Wildlife) Regulations 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 28th day of November 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 15, 297, and 298 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Oceans and Fisheries, made after complying with sections 12(1) and 15(2) of that Act.

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Regulations

1	Title	These regulations are the Fisheries (Fishing-related Mortality Limits of Marine Mammals and Other Wildlife) Regulations 2022.
2	Commencement	These regulations come into force on 30 December 2022.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1996

fishing year means a period of 12 months commencing on each 1 October

Hector's dolphin means a dolphin of the subspecies *Cephalorhynchus hectori hectori*

Māui dolphin means a dolphin of the subspecies *Cephalorhynchus hectori maui*.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Application

These regulations apply in respect of a person taking or possessing any fish, aquatic life, or seaweed to which these regulations relate from, or in, New Zealand fisheries waters.

Part 1

Fishing-related mortality limit of Hector's dolphin or Māui dolphin in North Island

6 Māui dolphin habitat zone

In these regulations, the **Māui dolphin habitat zone** means the waters within the area bounded by a line—

- (a) commencing at the Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E); then
- (b) proceeding due west to the outer limit of the Territorial Sea (at 39°16.575'S and 173°29.583'E); then
- (c) proceeding in a generally northerly direction along the outer limit of the Territorial Sea to a point at 34°13.193'S and 172°40.780'E; then
- (d) proceeding due south to Cape Reinga (at 34°25.210'S and 172°40.780'E); then
- (e) proceeding in a generally southerly direction along the mean high-water mark of the west coast of the North Island to the starting point at Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E).

7 Fishing-related mortality limit of Hector's or Māui dolphin within Māui dolphin habitat zone

The fishing-related mortality limit of Hector's dolphin or Māui dolphin within the Māui dolphin habitat zone is 1.

Part 2

Fishing-related mortality limits of Hector's dolphin in South Island

Cloudy Clifford zone limit

8 Cloudy Clifford zone

In these regulations, the **Cloudy Clifford zone** means the waters within the area bounded by a line—

- (a) commencing near Cape Jackson (at 41°00.758'S and 174°18.688'E); then
- (b) proceeding by a straight line in a north-easterly direction to a point at 40°45.770'S and 174°38.085'E; then
- (c) proceeding by a straight line in a southerly direction to a point at 41°04.425'S and 174°37.070'E; then
- (d) proceeding by a straight line in a south-westerly direction to a point at 41°17.802'S and 174°26.380'E; then
- (e) proceeding by a straight line in a south-easterly direction to a point at 41°43.424'S and 174°47.040'E; then
- (f) proceeding by a straight line in a westerly direction to a point near Cape Campbell (at 41°44.429'S and 174°16.524'E); then
- (g) proceeding in a generally northerly direction along the mean high-water mark to the starting point at Cape Jackson (at 41°00.758'S and 174°18.688'E).

9 Fishing-related mortality limit of Hector's dolphin within Cloudy Clifford zone

The fishing-related mortality limit of Hector's dolphin within the Cloudy Clifford zone is 5 in any fishing year.

Kaikōura zone limit

10 Kaikōura zone

In these regulations, the **Kaikōura zone** means the waters within the area bounded by a line—

- (a) commencing near Cape Campbell (at 41°44.429'S and 174°16.524'E); then
- (b) proceeding by a straight line in an easterly direction to a point at 41°43.424'S and 174°47.040'E; then
- (c) proceeding by a straight line in an easterly direction to a point at 41°46.729'S and 175°16.908'E; then

- (d) proceeding by a straight line in a south-westerly direction to a point at 42°17.861'S and 174°38.981'E; then
- (e) proceeding by a straight line in a south-westerly direction to a point at 43°34.076'S and 174°00.207'E; then
- (f) proceeding by a straight line in a north-westerly direction to Motunau Beach (at 43°02.920'S and 173°03.940'E); then
- (g) proceeding in a generally northerly direction along the mean high-water mark to the starting point near Cape Campbell (at 41°44.429'S and 174°16.524'E).

11 Fishing-related mortality limit of Hector's dolphin within Kaikōura zone

The fishing-related mortality limit of Hector's dolphin within the Kaikōura zone is 7 in any fishing year.

Banks Peninsula zone limit

12 Banks Peninsula zone

In these regulations, the **Banks Peninsula zone** means the waters within the area bounded by a line—

- (a) commencing at Motunau Beach (at 43°02.920'S and 173°03.940'E); then
- (b) proceeding by a straight line in a south-easterly direction to a point at 43°34.076'S and 174°00.207'E; then
- (c) proceeding by a straight line in a southerly direction to a point at 44°08.239'S and 173°42.827'E; then
- (d) proceeding by a straight line in a south-westerly direction to a point at 44°39.038'S and 173°04.080'E; then
- (e) proceeding by a straight line in a north-westerly direction to a point on the mean high-water mark (at 43°58.433'S and 171°59.322'E); then
- (f) proceeding in a generally northerly direction along the mean high-water mark to the starting point at Motunau Beach (at 43°02.920'S and 173°03.940'E).

13 Fishing-related mortality limit of Hector's dolphin within Banks Peninsula zone

The fishing-related mortality limit of Hector's dolphin within the Banks Peninsula zone is 20 in any fishing year.

Timaru zone limit

14 Timaru zone

In these regulations, the **Timaru zone** means the waters within the area bounded by a line—

- (a) commencing at a point on the mean high-water mark (at 43°58.433'S and 171°59.322'E); then
- (b) proceeding by a straight line in a south-easterly direction to a point at 44°39.038'S and 173°04.080'E; then
- (c) proceeding by a straight line in a south-westerly direction to a point at 45°10.139'S and 172°24.954'E; then
- (d) proceeding by a straight line in a westerly direction to a point near Kakanui (at 45°10.720'S and 170°54.408'E); then
- (e) proceeding in a generally northerly direction along the mean high-water mark to the starting point on the mean high-water mark (at 43°58.433'S and 171°59.322'E).

15 Fishing-related mortality limit of Hector's dolphin within Timaru zone

The fishing-related mortality limit of Hector's dolphin within the Timaru zone is 12 in any fishing year.

Otago zone limit

16 Otago zone

In these regulations, the **Otago zone** means the waters within the area bounded by a line—

- (a) commencing at a point near Kakanui (at 45°10.720'S and 170°54.408'E); then
- (b) proceeding by a straight line in an easterly direction to a point at 45°10.139'S and 172°24.954'E; then
- (c) proceeding by a straight line in a south-westerly direction to a point at 46°40.400'S and 170°31.400'E; then
- (d) proceeding by a straight line in a westerly direction near Nugget Point (at 46°27.150'S and 169°47.470'E); then
- (e) proceeding in a generally northerly direction along the mean high-water mark to the starting point near Kakanui (at 45°10.720'S and 170°54.408'E).

17 Fishing-related mortality limit of Hector's dolphin within Otago zone

The fishing-related mortality limit of Hector's dolphin within the Otago zone is 2 in any fishing year.

South coast South Island zone limit

18 South coast South Island zone

In these regulations, the **south coast South Island zone** means the waters within the area bounded by a line—

- (a) commencing near Nugget Point (at 46°27.150'S and 169°47.470'E); then
- (b) proceeding by a straight line in an easterly direction to a point at 46°40.400'S and 170°31.400'E; then
- (c) proceeding by a straight line in a south-westerly direction to a point at 47°13.124'S and 168°59.433'E; then
- (d) proceeding by a straight line in a north-westerly direction to a point at 46°41.621'S and 167°53.610'E; then
- (e) proceeding by a straight line in a westerly direction to a point at 46°41.715'S and 166°49.514'E; then
- (f) proceeding by a straight line in a north-westerly direction to a point at 46°09.277'S and 165°59.063'E; then
- (g) proceeding by a straight line in a northerly direction to a point at 44°42.101'S and 166°20.308'E; then
- (h) proceeding by a straight line in a south-easterly direction to a point near Hawes Head (at 45°04.285'S and 167°03.193'E); then
- (i) proceeding in a generally southerly, then easterly direction along the mean high-water mark to the starting point at Nugget Point (at 46°27.150'S and 169°47.470'E).

**19 Fishing-related mortality limit of Hector's dolphin within south coast
South Island zone**

The fishing-related mortality limit of Hector's dolphin within the south coast South Island zone is 3 in any 2 consecutive fishing years.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

1 Fishing years

In regulations 9, 11, 13, 15, 17, and 19, the first fishing year commences on 30 December 2022 and ends at the close of 30 September 2023.

Rachel Hayward,
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 30 December 2022, address fishing-related adverse impacts on Hector's and Māui dolphins.

Part 1 sets out the existing fishing-related mortality limit for the North Island Māui dolphin habitat zone (the **existing limit**). The existing limit in the Fisheries (Amateur Fishing) Regulations 2013 and the Fisheries (Commercial Fishing) Regulations 2001 is revoked on 30 December 2022 by the Fisheries (Hector's and Māui Dolphin) Amendment Regulations 2022. The existing limit is set out in these regulations so that all fishing-related mortality limits can be found in a single instrument.

Part 2 establishes new fishing-related mortality limits for Hector's dolphin in various South Island zones.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement in August 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/legal/regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

**Fisheries (Fishing-related Mortality Limits of Marine
Mammals and Other Wildlife) Regulations 2022**

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 1 December 2022.

These regulations are administered by the Ministry for Primary Industries.