

**Reprint
as at 20 November 2008**

**Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986
(SR 1986/216)**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Ministry of Fisheries.

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Contents

- 1 Title and commencement
- 2 Interpretation
- 2A Trawling by vessels over 46 m long prohibited in certain waters
- 2B Trawling prohibited in certain seamount areas
- 3 Danish seining prohibited within 1 mile of west Auckland coast
- 4 Trawling and Danish seining prohibited in defined areas
- 4A Taking of tuatua prohibited in certain areas
- 4B Taking of *green-lipped mussels* prohibited in certain areas [Revoked]
- 4C Taking of cockle prohibited in certain areas
- 4D Taking of pipi prohibited in certain areas
- 4E Taking of kina prohibited in certain areas
- 4F Seasonal closure of Inner Hauraki Gulf
- 4G Restriction on taking shellfish from Karekare Beach
- 5 Restriction on mesh size of trawl nets
- 5A Restrictions on use of nets and dredges
- 5B Restrictions on taking of paddle crabs, octopus, and hagfish [Revoked]
- 5C Certain species may be taken by use of nets
- 5D [Revoked]
- 5E Taking of green-lipped mussel spat prohibited in certain areas [Revoked]
- 5F Minimum set net mesh size
- 6 Pair trawling and pair Danish seining prohibitions
- 7 Fishing from vessels transporting Danish seine nets prohibited
- 8 Danish seine gear restrictions in Auckland Fisheries Area
- 9 Provisions as to Danish seining
- 10 Provisions as to trawling
- 10A Certain fishing methods prohibited in defined areas
- 10B Trawl fishing prohibited in defined areas
- 10C Drift net fishing prohibited in Port Waikato
- 11 Drag netting prohibited in defined areas

12 Restricted drag netting
13 Drag net mesh size for snapper
14 Stalling permitted in Kaipara Harbour [Revoked]
15 Set netting for snapper, trevally, or rig
15A Set netting prohibited in defined areas
15B Length of set net [Expired]
16 Maximum set net lengths in Kaipara Harbour
17 Seasonal prohibition on taking of finfish near Motu River
18 Restrictions on fishing in Manukau Harbour
18A Fishing in Kermadec Fisheries Management Area prohibited
18AA Restrictions on fishing within 1 nautical mile of Mayor (Tuhua) Island
19 Taking of finfish prohibited within 3 miles of Poor Knights Islands Marine Reserve
19A Restrictions on fishing in Bay of Islands
20 Taking of spotted black groper prohibited
20A Taking of squid from Kermadec Area prohibited
20B Taking of shortbill spearfish and sailfish prohibited in Auckland Fishery Management Area
20C Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised [Revoked]
20D Fish, aquatic life and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc [Revoked]
20E Sale of reef fish
21 Taking of rock lobster prohibited near North Cape light
22 Taking of scallops
22A Restrictions on the taking of shellfish [Revoked]
22B Size limit on scallops taken from Coromandel Scallop Fishery
22C Restriction on taking kina other than by hand-gathering
23 All methods prohibited in certain waters
24 Offences
25 Revocation
Schedule 1
Auckland Fisheries area
Schedule 2

Schedule 3
Mimiwhangata Peninsula
Schedule 4
Motu River catchment

1 Title and commencement

- (1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.
(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Fisheries Act 1983 or the Fisheries Act 1996
Act: this definition was amended, 15 July 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1999 (SR 1999/178) by inserting the words “or the Fisheries Act 1996”.

Albacore tuna

[Revoked]

Albacore tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Anchovy means a fish of the species *Engraulis australis*

Auckland Fisheries Area means any or all of those waters described as such in the Schedule to these regulations

Auckland Fishery Management Area means the fishery management area described as the Auckland Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412

Banded wrasse means a fish of the species *Notolabrus fucicola*

Banded wrasse, and Black angelfish, Blue moki, and Butterfly perch: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Bigeye tuna

[Revoked]

Bigeye tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Billfish means all species of the families *Istiophoridae* and *Xiphiidae*, including the following

- (a) *Tetrapturus audax* (commonly known as the striped marlin):
- (b) *Makaira nigricans* (commonly known as the blue marlin):
- (c) *Makaira indica* (commonly known as the black marlin):
- (d) *Xiphias gladius* (commonly known as the broadbill swordfish):
- (e) *Tetrapturus augustirostris* (commonly known as the shortbill spearfish):
- (f) *Istiophorus platypterus* (commonly known as the sailfish):
- (g) Any other billfish by whatever name it may be locally known:

Black angelfish means a fish of the species *Parma alboscapularis*

Banded wrasse, and Black angelfish, Blue moki, and Butterfly perch: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Black flounder means a fish of the species *Rhombosolea retiaria*

Black flounder, and Brill: these definitions were inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Blue mackerel

[Revoked]

Blue mackerel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Blue maomao

[Revoked]

Blue maomao: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Blue moki means a fish of the species *Latridopsis ciliaris*

Blue moki, and Butterfly perch: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Blue mussel

[Revoked]

Blue mussel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Brill means a fish of the species *Colistium guntheri*

Black flounder, and Brill: these definitions were inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Brown bullhead catfish

[Revoked]

Brown bullhead catfish: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Butterfish or Greenbone

[Revoked]

Butterfish or Greenbone: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Butterfly perch means a fish of the species *Caesioperca lepidoptera*

Blue moki, and Butterfly perch: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Cardinal fish

[Revoked]

Cardinal fish: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Catseye

[Revoked]

Catseye: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Cockle means a shellfish of the species *Chione stutchburyi* (formerly known as *Austrovenus stutchburyi*)

Cod-end means that part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

- (a) Carried on a vessel not exceeding 10m overall length, not less than the last 3m of net:
- (b) Carried on a vessel 10m or more but less than 20m overall length, not less than the last 5m of net:
- (c) Carried on a vessel 20m or more but less than 30m overall length, not less than the last 10m of net:
- (d) Carried on a vessel 30m or more but less than 40m overall length, not less than the last 15m of net:
- (e) Carried on a vessel 40m or more overall length, not less than the last 20m of net:

commercial fisher means—

- (a) any person who takes any fish, aquatic life, or seaweed for the purposes of sale:
- (b) any person who is engaged in any capacity on a New Zealand fishing vessel:
- (c) any person who has a fishing permit issued under section 91 of the Fisheries Act 1996 entitling the person to take any species or class of fish, aquatic life, or seaweed.

Commercial fisher: this definition replaced the definition of the term Commercial fisherman, as from 1 October 2001, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Commercial fisherman

[Revoked]

Commercial fisherman: paragraph (b) of this definition was amended, as from 26 July 2001, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/157) by inserting the expression “; and”.

Commercial fisherman: paragraph (c) of this definition was inserted, as from 26 July 2001, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/157).

Commercial fisherman: this definition was replaced by the definition of the term Commercial fisher, as from 1 October 2001, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Conger eel

[Revoked]

Conger eel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Conveyance means any vehicle, vessel, aircraft, hovercraft, animal, or other thing of whatever size which is capable of being used to carry or transport any fish or fishing gear

Cooks turban

[Revoked]

Cooks turban: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Coromandel Scallop Fishery means the scallop fisheries within Quota Management Area 1, enclosed by a line running due North from Town Point (at 37°44.60'S and 176°28.10'E) in the Bay of Plenty to latitude 36°02.60'S and 176°28.10'E, and thence due West to the northernmost point of Great Barrier Island (at 36°2.60'S and 175°24.10'E) and thence to Cape Rodney (at 36°16.80'S and 174°49.30'E)

Coromandel Scallop Fishery: this definition was amended, as from 30 September 1993, by regulation 2(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by substituting the words “176°28.10'E, and thence due West ... (at 36°16.80'S and 174°49.30'E)” for the words “thence due East to the northernmost point of Great Barrier Island and thence to Cape Rodney”.

Danish seine net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:

Danish seining means using a Danish seine net

Dog cockle

[Revoked]

Dog cockle: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Drag net or beach seine net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:

Dredge means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring dredge

Dredge oyster

[Revoked]

Dredge Oyster: this definition was amended, as from 1 October 1994, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1994/181) by substituting the words “*Tiostrea chilensis*” for the words “*Tiostrea lutaria*”.

Dredge oyster: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

drift net means a net that—

- (a) acts by enmeshing, entrapping, or entangling any fish or marine life; and
- (b) acts by drifting in the water or on the surface of the water; and
- (c) is not attached to—
 - (i) a vessel; or
 - (ii) any point of land; or
 - (iii) the sea bed or river bed

Durvillea

[Revoked]

Durvillea: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Ecklonia

[Revoked]

Ecklonia: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Finfish includes the classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes)

Flatfish means brill, turbot, lemon sole, New Zealand sole, sand flounder, yellowbelly flounder, black flounder, and greenback flounder

Flatfish: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Flying fish

[Revoked]

Flying fish: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Frostfish means a fish of the species *Lepidopus caudatus*

Garfish means a fish of the species *Euleptorhamphus viridis*

Giant boarfish means a fish of the species *Paristiopterus labiosus*

Giant boarfish: this definition was inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Gigartina

[Revoked]

Gigartina: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Gracilaria

[Revoked]

Gracilaria: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Grandfather hapuku

[Revoked]

Grandfather hapuku: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Greenback flounder means a fish of the species *Rhombosolea tapirina*

Greenback flounder: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Green-lipped mussel means a shellfish of the species *Perna canaliculus*, but excludes green-lipped mussel spat

Green-lipped mussel spat

[Revoked]

Green-lipped mussel spat: this definition was revoked, as from 1 October 2004, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280).

Green wrasse means a fish of the species *Notolabrus inscriptus*

Green wrasse, Grey mullet, and Hapuku bass: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Grey mullet means a fish of the species *Mugil cephalus*

Green wrasse, Grey mullet, and Hapuku bass: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Hagfish means the fish *Eptatretus cirrhatus* (also commonly known as blind eel)

Hapuku bass means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*

Green wrasse, Grey mullet, and Hapuku bass: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Harbour means those waters lying inside the seaward entrance to any harbour

Horse mussel

[Revoked]

Horse mussel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Inner Hauraki Gulf means all those waters of the Inner Hauraki Gulf bounded by a line commencing at a point on the southern side of Whangaparaoa Peninsula (adjacent to Te Haruhi Bay) (at 36°37.31'S and 174°49.75'E); then by a straight line to the northernmost point of Rakino Island (at 36°42.63'S and 174°56.74'E); then by mean high-water mark to a point on the north-east side of Rakino Island (at 36°42.88'S and 174°57.26'E); then in a straight line to Hakaimango Point (Waiheke Island) (at 36°46.23'S and 175°00.82'E); then by mean high-water mark along the northern and eastern side of Waiheke Island to Kauri Point (at 36°46.0'S and 175°12.15'E); then by a straight line to the easternmost point of Pakatoa Island (at 36°47.95'S and 175°11.9'E); then by a straight line to a point on the eastern side of Rotoroa Island (at 36°48.9'S and 175°12.13'E); then by a straight line to the easternmost point on Ponui Island (at 36°50.15'S and 175°12.8'E); then by mean high-water mark to the southernmost point of Ponui Island (at 36°54.2'S and 175°11.65'E); then by a straight line to Haraki Point (Pakihi Island) (at 36°54.33'S and 175°10.1'E); then by mean high-water mark along the eastern side of Pakihi Island to the southernmost point (at 36°55.22'S and 175°09.35'E); then by a straight line to Koherurahi Point (at 36°55.75'S and 175°08.55'E); then following a line along the mean high-water mark to the point of commencement on the southern side of the Whangaparaoa Peninsula (adjacent to Te Haruhi Bay)

Inner Hauraki Gulf: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Inner Hauraki Gulf: this definition was substituted, as from 20 November 1997, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 1997 (SR 1997/305).

Jack mackerel means the fish that has the scientific name *Trachurus spp.*

Kahawai means a fish of the species *Arripis trutta*

Kelpfish means a fish of the species *Chironemus marmoratus* (also known as hiwihiwi)

Kelpfish: this definition was inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Kermadec Fishery Management Area means the fishery management area described as the Kermadec Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412

Kina means the shellfish that has the scientific name *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin that has the scientific name *Centrostephanas rodgersii*

King clam

[Revoked]

King clam: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Kingfish

[Revoked]

Kingfish: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Koheru

[Revoked]

Koheru: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Koi

[Revoked]

Koi: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Lampara net means any net that is operated from a vessel to encircle fish so that when the wings of the net are brought together fish are enclosed in the central bunt of the net; but does not include a net that has purse lines

Lamprey

[Revoked]

Lamprey: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Leatherjacket

[Revoked]

Leatherjacket: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Lemon sole means a fish of the species *Pelotretis flavilatus*

Lemon sole: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Lessonia

[Revoked]

Lessonia: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Limpet

[Revoked]

Limpet: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Long-finned boarfish means a fish of the species *Zanclistius elevatus*

Long-finned boarfish, and Marblefish: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Longfinned eel

[Revoked]

Longfinned eel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Longline means any line to which a hook or hooks (whether baited or not) are attached

Macrocystis

[Revoked]

Macrocystis: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Marblefish means a fish of the species *Aplodactylus arctidens*

Long-finned boarfish, and Marblefish: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Mud snail

[Revoked]

Mud snail: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Moray eel means a fish of the species family *Muraenidae*

Net includes any net capable of being used to take fish; but does not include a whitebait net

New Zealand sole (also known as **common sole** or **European sole**) means a fish of the species *Petrohamphus novaezelandiae*

New Zealand sole: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Notch-headed marblefish means a fish of the species *Aplodactylus etheridgii*

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Octopus means the shellfish *Octopus maorum*

Overall length means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel

Pacific Oyster

[Revoked]

Pacific Oyster: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Paddle crab means the crab *Ovalipes Catharus*

Painted moki means a fish of the species *Cheliodactylus ephippium*

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Parore means a fish of the species *Girrella tricuspidata*

Pilchard means a fish of the species *Sardinops neopilchardus*

Pink maomao

[Revoked]

Pink maomao: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Piper means a fish of the species *Hyporhamphus ihi*

Pipi means the shellfish *Paphies australis*

Porae

[Revoked]

Porae: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Porphyra

[Revoked]

Porphyra: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Prawn

[Revoked]

Prawn: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Pterocladia

[Revoked]

Pterocladia: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Purse seine net means any net that is operated from a vessel to encircle fish and is drawn together at the bottom by means of purse lines to enclose the fish

Ray's bream

[Revoked]

Ray's bream: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Red moki means a fish of the species *Cheilodactylus specabilis*

Red mullet means a fish of the species *Upeneichthys lineatus* (also known as goatfish)

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Red pigfish means a fish of the species *Bodianus vulpinus = uninaculatus*

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Red snapper

[Revoked]

Red snapper: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Ribaldo means a fish of the species *Mora moro*

Rock cod

[Revoked]

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Rock cod: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Rock lobster means the fish that has the scientific name *Jasus edwardsii* (commonly known as the spiny or red rock lobster) or *Jasus verreauxi* (commonly known as the packhorse or green rock lobster)

Rock lobster pot means any pot, whether baited or not, which is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters

Rock oyster

[Revoked]

Rock oyster: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Rubyfish means a fish of the species *Plagiogeneion rubiginosus*

Sandager's wrasse means a fish of the species *Coris sandageri*

Notch-headed marblefish, Painted moki, Red mullet, Red pigfish, Rock cod, Sandager's wrasse: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Sand flounder (also known as **dab flounder**, **white flounder**, **diamond flounder**, or **square flounder**) means a fish of the species *Rhombosolea plebeia*

Sand flounder: this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Saury means a fish of the species *Scomberesox saurus*

Scallop means the shellfish *Pectin novaezealandiae*

Scampi

[Revoked]

Scampi: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Scarlet wrasse means a fish of the species *Pseudolabrus miles*

Scarlet wrasse, and School shark: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

School shark means a fish of the species *Galeorhinus australis*

Scarlet wrasse, and School shark: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Sea cucumber

[Revoked]

Sea cucumber: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Sea hare

[Revoked]

Sea hare: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Sea horse

[Revoked]

Sea horse: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Sea tulip

[Revoked]

Sea tulip: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Set net includes a gill net or any other sort of net which acts by enmeshing, entrapping, or entangling any fish; but does not include a fyke net or a hinaki trap

Set net: this definition was amended by regulation 2(3) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by omitting the words “drift net, trammel net,”.

Set net: this definition was substituted, as from 30 November 1995, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1995/230).

Shortfinned eel

[Revoked]

Shortfinned eel: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Silver dory means a fish of the species *Cyttus novaezelandiae*

Silver drummer means a fish of the species *Kyphosus sydneyanus*

Skate and ray

[Revoked]

Skate and ray: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Skipjack tuna

[Revoked]

Skipjack tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Slender tuna

[Revoked]

Slender tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Southern bluefin tuna

[Revoked]

Southern bluefin tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Southern blue whiting means a fish of the species *Micromesistius australis*

Spiny dogfish

[Revoked]

Spiny dogfish: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Splendid perch means a fish of the species *Callanthias australis*

Splendid perch, and Toadstool groper: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Sponge

[Revoked]

Sponge: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Spotted black groper means the fish that has the scientific name *Epinephalus daemeli*

Spotted stargazer means a fish of the species *Genyagnus monopterygius*

Squid means—

- (a) The shellfish, commonly known as arrow squid, that has the scientific name *Nototodarus sp*; and
- (b) The shellfish, commonly known as broad squid, that has the scientific name *Sepioteuthis bilineata*:

Stalling means the process whereby a net is set in such a manner that any fish enclosed or entangled by the net is left stranded by the falling tide or is enclosed or entangled in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net

Surf clam

[Revoked]

Surf clam: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Toadstool groper means a fish of the species *Trachypoma macracanthus*

Splendid perch, and Toadstool groper: these definitions were inserted, as from 30 September 1993, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Trawl net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

- (a) Has a buoyancy system on the top edge; and
- (b) Is weighted on the bottom edge; and
- (c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—

but does not include a Danish seine net

Tuna means a fish of the family *Scombridae*

Tuatua means the shellfish *Paphies subtriangulata*

Turbot means a fish of the species *Colistium nudipinnis*

Turbot, and Yellowbelly flounder: these definitions were inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Ulva

[Revoked]

Ulva: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Undaria

[Revoked]

Undaria: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Whelk

[Revoked]

Whelk: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

White warehouse means a fish of the species *Serirolella caerulea*

Whitebait net means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly known as whitebait

Wrasse means a fish of the family *Labridae*

Yellowbelly flounder means a fish of the species *Rhombosolea leporina*

Turbot, and Yellowbelly flounder: these definitions were inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Yellow-eyed mullet means a fish of the species *Aldrichetta forsteri*

Yellowfin tuna

[Revoked]

Yellowfin tuna: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Zostera

[Revoked]

Zostera: this definition was revoked, as from 1 October 2001, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in Schedule 2 to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986.

Regulation 2 was substituted, as from 1 November 1989, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291). It was further substituted, as from 26 September 1991, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Regulation 2(1) **drift net**: inserted, on 1 October 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

2A Trawling by vessels over 46 m long prohibited in certain waters

- No commercial fisher shall use any New Zealand fishing vessel over 46 m in overall length for trawling at any time—
 - (a) In those waters of the Auckland Fishery Management Area lying east of a line commencing at North Cape at a point 34°24'S and 173°02.5'E; then proceeding due North to a point on the outer limits of the exclusive economic zone at 30°52.5'S and 173°02.5'E:
 - (b) In those waters enclosed by a line commencing at a point 36°24.1'S and 173°47.40'E; then proceeding directly in a westerly direction to a point 36°24.1'S and 173°37.15'E; then proceeding in a southerly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea to the boundary of the Auckland Fishery Management Area; then proceeding in a generally easterly direction to the boundary of the territorial sea; then proceeding in a northeasterly direction along the outer limits of the territorial sea to the point of commencement:
 - (c) In those waters enclosed by a line commencing at a point 35°20'S and 172°52.8'E; then proceeding directly in a northwesterly direction to a point 34°21.4'S and 171°53.8'E; then proceeding in a southeasterly direction along the outer limits of the territorial sea to a point 34°16.2'S and 172°21.7'E; then proceeding directly in a southeasterly direction to a point 34°19.4'S and 172°28'E; then proceeding in a

southwesterly direction along the outer limits of the territorial sea to the point of commencement.

Regulation 2A was inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/251).

Regulation 2A(a) was amended, as from 26 September 1991, by regulation 3(a) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by inserting the words “at a point 34°24'S and 173°02.5'E”.

Regulation 2A(b) was amended, as from 26 September 1991, by regulation 3(b) and (c) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by substituting the expression “173°47.40'E” for the expression “173°48'E” and by substituting the expression “173°37.15'E” for the expression “173°3.9'E”.

Regulation 2A was amended, as from 5 November 1998, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/297) by substituting the expression “46 m” for the expression “43 m”.

Regulation 2A was further amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

2B Trawling prohibited in certain seamount areas

- (1) No person may use a trawl net for fishing in any closed seamount area.
- (2) In this regulation, **closed seamount area** means all waters within the following areas:
 - (a) the area located in fisheries management area 1 that is bounded by—
 - (i) the latitudes 31°50'S and 32°08'S; and
 - (ii) the longitudes 174°05'E and 174°30'E:
 - (b) the area located in fisheries management area 1 that is bounded by—
 - (i) the latitudes 33° 55'S and 34° 20'S; and
 - (i) the longitudes 173° 50'E and 174° 15'E:
 - (c) the area located in fisheries management area 9 that is bounded by—
 - (i) the latitudes 31° 35'S and 32° 00'S; and
 - (ii) the longitudes 170° 45'E and 171° 10'E:
 - (d) the area located in fisheries management area 9 that is bounded by—
 - (i) the latitudes 37° 20'S and 37° 45'S; and
 - (ii) the longitudes 171° 50'E and 172° 35'E:
 - (e) the area located in fisheries management area 9 that is bounded by—
 - (i) the latitudes 36°52'S and 37°02'S; and
 - (ii) the longitudes 170°33'E and 170°46'E:
 - (f) the area located in fisheries management area 9 that is bounded by—
 - (i) the latitudes 34° 44'S and 34° 54'S; and
 - (ii) the longitudes 169° 12'E and 169° 30'E.

Regulation 2B was inserted, as from 10 May 2001, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2001 (SR 2001/65).

Regulation 2B(2)(a): substituted, on 15 November 2007, by regulation 4(1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2007 (SR 2007/311).

Regulation 2B(2)(e): substituted, on 15 November 2007, by regulation 4(2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2007 (SR 2007/311).

3 Danish seining prohibited within 1 mile of west Auckland coast

- No commercial fisher shall use any Danish seine net within 1 nautical mile to the seaward of a baseline commencing at Scott Point (at 34°31.35'S and 172°42.2'E); then by the mean high-water mark to the north head of Herekino Harbour (at 35°17.7'S and 173°09.9'E); then by a straight line to the south head of Herekino Harbour (at 35°17.95'S and 173°09.5'E); then by the mean high-water mark to the north head of Whangape Harbour (at 35°22.5'S and 173°13.1'E); then by a straight line to the south head of Whangape Harbour (at 35°22.75'S and 173°13.25'E); then by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.5'S and 173°21.45'E); then by a straight line to the south head of Hokianga Harbour (at

35°32.2'S and 173°22.3'E); then by the mean high-water mark to the southernmost extremity of the north head of Kaipara Harbour (at 36°24.2'S and 174°03'E); then by a straight line to Pukitu on the south head of Kaipara Harbour (at 36°30'S and 174°12.65'E); then by the mean high-water mark to a point on the easternmost extremity of Paratutai Island (at 37°02.92'S and 174°30.50'E); then by a straight line to the signal staff on the south head of Manukau Harbour (at 37°03.17'S and 174°32.65'E); then by the mean high-water mark to a point north of the Waikato River Mouth (at 37°21.45'S and 174°41.51'E); then by a straight line to the south head of the Waikato River Mouth (at 37°21.85'S and 174°41.70'E); then by the mean high-water mark to Rangitoto Point (at 37°48.08'S and 174°50.56'E); then by a straight line to the south head of Raglan Harbour (at 37°48.33'S and 174°50.74'E); then by the mean high-water mark to Potahi Point (at 38°00.50'S and 174°47.70'E); then by a straight line to Kahua Point (at 38°02.10'S and 174°47.00'E); then by the mean high-water mark to Tauratahi Point (at 38°05.10'S and 174°46.60'E); then by a straight line to Urawitiki Point (at 38°05.37'S and 174°46.22'E); then by the mean high-water mark to Tirua Point (at 38°23.40'S and 174°38.00'E).

Regulation 3 heading: amended, on 1 October 2008, by regulation 5(1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 3: amended, on 1 October 2008, by regulation 5(2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 3 was amended by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by substituting the words “then by the mean high-water mark to a point on the easternmost extremity of Paratutai Island ... to Tirua Point (at 38°23.40'S and 174°38.00'E)” for the words “then by the mean high-water mark to Tirikohua Point (at 36°51.25'S and 174°26.15'E)”.

Regulation 3 was further amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

4 Trawling and Danish seining prohibited in defined areas

- No commercial fisher shall use for taking fish a trawl net or a Danish seine net within the following waters:
 - (a) *Parengarenga Harbour*: The waters of Parengarenga Harbour lying inside a straight line drawn from the northeasternmost extremity of the Kokota Peninsula (at 34°32'S and 172°59.4'E) in a northeasterly direction to the easternmost extremity of Ohao Point (otherwise known as Coal Point) (at 34°30.64'S and 173°00.4'E);
 - (b) *Rangaunu Bay*: The waters of Rangaunu Bay lying inside a straight line drawn from the easternmost extremity of Grenville Point (at 34°46.13'S and 173°09.3'E) to the northernmost end of the northern island of the Mutoroa Islands (at 34°46.1'S and 173°20.72'E); then to the northernmost extremity of Cape Karikari (at 34°46.95'S and 173°23.79'E);
 - (c) *Doubtless Bay*: The waters of Doubtless Bay lying inside a straight line drawn from the easternmost extremity of Knuckle Point (at 34°51.05'S and 173°28.2'E) to the northernmost extremity of Flat Head (otherwise known as Bergan Point) (at 34°54.9'S and 173°33.45'E);
 - (d) *Whangaroa Harbour*: The waters of Whangaroa Harbour and Whangaroa Bay lying inside a straight line commencing at Karau Point (at 34°57.3'S and 173°42.3'E) and extending to the northwesternmost point of Stephenson Island (at 34°57.4'S and 173°46.15'E); then along the mean high-water mark of the southern shore of Stephenson Island in a generally south-easterly direction to the easternmost point of Stephenson Island (at 34°58.1'S and 173°47.28'E); then in a straight line to Frenchman Rock (at 34°59.45'S and 173°49.1'E); then in a straight line due south to the point of intersection with the shore at the northeastern entrance of Whangaihe Bay (at 34°59.7'S and 173°49.1'E);
 - (e) *Bay of Islands*: The waters of the Bay of Islands lying inside a line commencing at the easternmost point of Cape Wiwiki (at 35°09.42'S and 174°07.7'E); then in a

straight line to the northern extremity of Red Head (at 35°11.9'S and 174°12.44'E); then in a straight line in a north-easterly direction to the northern extremity of Cape Brett (at 35°10.46'S and 174°20.05'E):

- (f) *Whangaruru Harbour*: The waters of Whangaruru Harbour lying inside a line commencing at the westernmost extremity of Cape Home (at 35°22.6'S and 174°22.53'E) on the northern side of the entrance of the harbour; then in a straight line in a south-westerly direction to the easternmost extremity of Henry Island (at 35°23.08'S and 174°22.37'E); then through the easternmost extremity of Nops Island (at 35°24.4'S and 174°21.8'E), then in a straight line to the shore on the southern side of the harbour (at 35°24.4'S and 174°21.3'E):
- (g) *Tutukaka Harbour*: The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head (at 35°36.9'S and 174°32.4'E) in a south-westerly direction through the Rocky Islets to the headland on the southern side of the entrance (at 35°37.2'S and 174°32.4'E) to the harbour:
- (h) *Whangarei-Bream Bay*: The waters of the sea lying inside a straight line drawn from the southernmost extremity of Busby Head (at 35°51.8'S and 174°31.9'E) to the shore on the southern end of Bream Bay (at 36°02.9'S and 174°33.3'E):
- (i) *North Rodney*: The waters of the sea lying within 1 nautical mile from the mean high-water mark of the shore that extends from Sentinel Rock (at 36°5.1'S and 174°36.2'E) to the easternmost extremity of Cape Rodney (at 36°16.8'S and 174°49.3'E)—
at any time between the 1st day of October in any year and the 1st day of April in the following year (both days inclusive):
- (j) *Hauraki Gulf (including the Firth of Thames)*: Area 007 of the Auckland Fisheries Area, and that part of area 006 of the Auckland Fisheries Area inside a straight line drawn from the easternmost point of Tawharanui Peninsula (at 36°22.2'S and 175°52.05'E); then by a straight line to Slater Point on Kawau Island (at 36°24.6'S and 174°52.2'E); then by the mean high-water mark around the eastern side of Kawau Island to Kawau Point (at 36°27.1'S and 174°52.6'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to an unnamed point on the western shore of the Coromandel Peninsula at (36°31.6'S and 175°19.7'E)—
except that this prohibition shall not apply to the use of a Danish seine net drawn or hauled by not more than one vessel in all that part of area 006 of the Auckland Fisheries Area lying westward of a straight line drawn from the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E) to an unnamed point on the western shore of the Coromandel Peninsula at (36°31.6'S and 175°19.65'E):
- (k) *Areas 005 and 006 of the Auckland Fisheries Area*, where the vessel is of 20m or more overall length:
- (l) *Port Abercrombie and Port Fitzroy*: The waters of and adjacent to Port Abercrombie and Port Fitzroy in Great Barrier Island lying inside a line drawn from Wellington Head (at 36°09.78'S and 175°16.91'E) to the northwesternmost point of Okokewa Island (at 36°08.6'S and 175°18.41'E)(Green Isle); then by a straight line to the nearest point of the mainland of Great Barrier Island (at 36°08.5'S and 175°18.53'E); and lying inside a line drawn from the northeasternmost point of Motukaku Island (at 36°09.91'S and 175°17.61'E) to the northwesternmost point of Nelson Island (at 36°10'S and 175°17.8'E); then from the southeasternmost point of Nelson Island (at 36°10.11'S and 175°18.07'E) to the northwesternmost point of Kaikoura Island (at 36°10.14'S and 175°18.18'E); and lying inside a straight line drawn across Man-O-War Passage at its narrowest point (from 36°11.35'S and 175°19.51'E to 36°11.42'S and 175°19.51'E):
- (m) *Tryphena Harbour*: The waters of Tryphena Harbour on Great Barrier Island lying inside a straight line drawn from Tryphena Point (at 36°19.23'S and 175°28.75'E) and passing through Bird Islet (at 36°18.8'S and 175°28.25'E) to the nearest point of the mainland of Great Barrier Island:

- (n) *Kennedy Bay, Whangapoua Harbour, Opito Bay, and adjacent waters*: The waters of Kennedy Bay, Whangapoua Harbour, Opito Bay, and the part of the sea adjacent thereto lying inside straight lines drawn from Te Anaputa Point (at 36°32.7'S and 175°32'E) generally in a south-easterly direction to Tokarahu Point (at 36°41.61'S and 175°47.51'E), then generally in a south-easterly direction to Opito Point (at 36°43.1'S and 175°49.1'E):
- (o) *Mercury Bay*: The waters of Mercury Bay lying inside a line commencing at the easternmost headland of Humbug Bay (at 36°44.5'S and 175°49.63'E); then by a straight line to the easternmost extremity of Te Tui Island (otherwise known as Mahurangi Island) (at 36°49.73'S and 175°49.47'E); then by the mean high-water mark to the southernmost extremity of Te Tui Island (at 36°50.15'S and 175°49'E); then to the easternmost extremity of Herehere-Taura Point (at 36°50.6'S and 175°49.17'E); as shown on Chart NZ:5318:
- (p) *Whangamata Harbour and Whangamata River, Bay of Plenty*: The waters of Whangamata Harbour and the Whangamata River and the part of the adjacent sea lying within a radius of 3 nautical miles from the southernmost extremity of the northern head at the mouth of the Whangamata Harbour (at 37°12.3'S and 175°53'E):
- (q) *Homunga Bay to Cape Runaway*: the waters lying within the area defined by a line beginning at the mean high-water mark at the northernmost extremity of Homunga Bay (at 37° 21.52'S and 175° 56.5'E); then proceeding along a straight line in an easterly direction to a position 2 nautical miles from the point of commencement; then following a line every point of which is 2 nautical miles from the mean high-water mark of the shoreline extending generally south-eastward to a point 2 nautical miles to the north of Cape Runaway; then proceeding in a straight line southwards to the mean high-water mark at Cape Runaway (at 37° 32.3'S and 177° 59'E); and then proceeding along the mean high water mark to the point of commencement at Homunga Bay:
- (r) [Revoked]
- (s) *Kawhia Harbour*: The waters of Kawhia Harbour and the adjacent sea lying within a radius of 2 nautical miles from Urawitiki Point (at 38°05.37'S and 174°46.22'E):
- (t) *Aotea Harbour*: The waters of Aotea Harbour and the adjacent sea lying within a radius of 2 nautical miles from Potahi Point (at 38°00.50'S and 174°47.70'E):
- (u) *Raglan Harbour*: The waters of Raglan Harbour and the adjacent sea lying within a radius of 2 nautical miles from Rangitoto Point (at 37°48.10'S and 174°50.57'E):
- (v) *Manukau Harbour*: The waters of Manukau Harbour and the adjacent sea lying within a radius of 2 nautical miles from the Ninepin Rock (at 37°03.14'S and 174°30.19'E):
- (w) *Kaipara Harbour*: The waters of the Kaipara Harbour and the adjacent sea lying within a radius of 2 nautical miles of a baseline commencing at the southwesternmost extremity of the north head of the Kaipara Harbour (at 36°24'S and 174°2.60'E), then in a generally south-eastern direction by a straight line to the westernmost extremity of the south head of the Kaipara Harbour (at 36°28.80'S and 174°9.40'E):
- (x) *Herekino Harbour*: The waters of Herekino Harbour lying inside a straight line drawn from the north head of the harbour (at 35°17.7'S and 173°09.9'E) to the south head of the harbour (at 35°17.95'S and 173°09.5'E):
- (y) *Whangape Harbour*: The waters of Whangape Harbour lying inside a straight line drawn from the north head of the harbour (at 35°22.5'S and 173°13.1'E) to the south head of the harbour (at 35°22.75'S and 173°13.25'E):
- (z) *Hokianga Harbour*: The waters of Hokianga Harbour and the adjacent sea lying within a radius of 2 nautical miles from the south head of the Hokianga Harbour (at 35°32.12'S and 173°22.02'E):
- (za) *Waikato River Mouth*: The waters within 2 nautical miles to the seaward of a baseline commencing at Maioro Gap (at 37°20.20'S and 174°40.70'E); then by the mean high-water mark to a point north of the Waikato River Mouth (at 37°21.40'S and 174°41.50'E); then by a straight line to the south head of the Waikato River

- Mouth (at 37°22.00'S and 174°41.90'E); then by the mean high-water mark to a point south of the Waikato River Mouth (at 37°24.30'S and 174°42.00'E).
- (zb) *Tairua/Pauanui*: The waters inside an area defined by a line beginning at the mean high-water mark at the northernmost point of Storm Beach (at 37°02.77'S and 175°53.23'E); then in a straight line in a generally easterly direction to a position at the southernmost point of Home Bay (at 37°03.11'S and 175°56.05'E); then by a straight line in a generally northerly direction to Big King Rock (at 36°59.92'S and 175°55.34'E); then by a straight line in a generally north-westerly direction to the mean high-water mark at the northern end of Te Karo Bay (at 36°57.70'S and 175°50.75'E); then following the mean high-water mark in a southerly direction to the southernmost point of land near Te Huru Point (at 37°00.40'S and 175°52.10'E); then continuing to follow the mean high-water mark within the waters of the harbour itself until this reaches the northernmost point of land of the southern harbour headland (at 37°00.45'S and 175°51.70'E); then following the mean high-water mark in a generally southerly direction to the point of commencement.
 - (zc) *Cape Runaway*: The waters within the area defined by a line beginning at the mean high-water mark at Cape Runaway (at approximately 37°32.3'S and 177°59'E); then proceeding in a straight line in a northerly direction to a position 2 nautical miles from the point of commencement at approximately 37°30.3'S and 177°59'E); then in a generally westerly direction by a line every point of which is 2 nautical miles from the mean high-water mark of Cape Runaway to a point at 37°31.2'S and 177°56.8'E; then in a straight line in a southerly direction to the mean high-water mark of a position (at 37°37.2'S and 177°56.8'E) adjacent to, or on, a stream tributary on Oruiti Beach; and then proceeding along the line of the mean high-water mark in a generally easterly and northerly direction to the point of commencement at Cape Runaway.
 - (zd) *Spirits Bay - Tom Bowling Bay*: The waters within the area defined by a line commencing at the point at 34°22.0'S and 172°40.0'E; then proceeding by a straight line in a northerly direction to the point at 34°18.5'S and 172°40.0'E; then proceeding by a straight line in an easterly direction to the point at intersection with the 100-metre depth contour line (as shown on Chart NZ41) at 34°18.5'S and 172°53.1'E; then proceeding in a generally south-easterly direction along the 100-metre depth contour line (as shown on Chart NZ41) to the point at 34°22.3'S and 173°2.7'E; then proceeding by a straight line in a southerly direction to the point at intersection with the 50-metre depth contour line (as shown on Chart NZ41) at 34°23.6'S and 173°2.7'E; then proceeding in a generally westerly direction along the 50-metre depth contour line (as shown on Chart NZ41) to the point at 34°23.0'S and 172°53.6'E; then proceeding by a straight line in a northerly direction to the point at 34°22.7'S and 172°53.6'E; then proceeding by a straight line in a westerly direction to the point at 34°22.7'S and 172°45.3'E; then proceeding by a straight line in a northerly direction to the point at 34°22.0'S and 172°45.3'E; then proceeding by a straight line in a westerly direction to the point of commencement.

Paragraph (q) was substituted, and paragraph (r) was revoked, as from 10 May 2001, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2001 (SR 2001/65).

Paragraphs (s) to (w) and (z) were substituted, and paragraph (za) was inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Paragraph (zb) was inserted, as from 1 October 1994, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1994/181), and was substituted, as from 30 November 1995, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1995/230).

Paragraph (zc) was inserted, as from 23 October 1996, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1996/279).

Paragraph (zd) was inserted, as from 11 November 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 1999 (SR 1999/343).

Regulation 4 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

4A Taking of tuatua prohibited in certain areas

- (1) No commercial fisher may take any tuatua or be in possession of any tuatua taken from any waters in any of quota management areas TUA1A, TUA1B, and TUA9, except as provided in subclause (3).
- (2) [Revoked]
- (3) It shall be lawful for a commercial fisher to take tuatua by dredging (and to possess tuatua so taken) in the area within quota management area 9 being that area at the seaward entrance to the Kaipara Harbour bounded by a straight line between Poutu Point (at 36°22.00'S and 174°10.80'E) and South Head (at 36°26.00'S and 174°14.10'E) then in a straight line to the westernmost head of the Waionui Inlet (at 36°26.20'S and 174°12.50'E) then by mean high water mark to the westernmost extremity of the south head of the harbour (at 36°28.80'S and 174°09.40'E) then by a straight line to the southernmost extremity of the north head of the harbour (at 36°24.20'S and 174°03.00'E) then by mean high water mark back to Poutu Point.

Regulations 4A to 4E were inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was substituted, as from 5 January 2006, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313).

Subclause (2)(b) was substituted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Subclause (2) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (2) was revoked, as from 5 January 2006, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313).

Subclause (3) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (3) was amended, as from 5 January 2006, by regulation 3(3) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313) by inserting the words “(and to possess tuatua so taken)” after the words “tuatua by dredging”.

4B Taking of *green-lipped mussels* prohibited in certain areas

- [Revoked]

Regulations 4A to 4E were inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Subclauses (1) and (2) was amended by regulation 5(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by substituting the words “green lipped mussels” for the words “green mussels”, and by amending subclause (2)(d) by substituting the word “Manukau” for the word “Manakau”.

Subclause (3) was substituted by regulation 5(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Regulation 4B was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman” wherever they occur.

Regulation 4B was revoked, as from 1 October 2004, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280).

4C Taking of cockle prohibited in certain areas

- (1) No commercial fisher may take any cockle or be in possession of any cockle taken from any waters in any of quota management areas COC1A, COC1B, COC1C, and COC9, except as provided in subclause (2).
- (2) A commercial fisher may take cockle by means of hand-gathering (and may possess cockle so taken) in the following waters:
 - (a) the area known as Snake Bank lying within Whangarei Harbour, being the area enclosed by a straight line commencing at One Tree Point (at 35°49.15'S and 174°27.28'E) to Reserve Point (at 35°47.69'S and 174°27.65'E) then along a straight line to Darch Point (at 35°49.17'S and 174°29.60'E) then along the mean high water mark to Lort Point (at 35°49.87'S and 174°30.15'E) then along a straight line to the point of commencement at One Tree Point:
 - (b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40'S and 177°09.00'E) and the eastern area of the harbour (at 37°59.40'S and 177°09.50'E).

Regulations 4A to 4E were inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 4C was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulations 4C and 4D were substituted, as from 5 January 2006, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313).

Regulation 4C(2)(a): substituted, on 1 April 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/25).

4D Taking of pipi prohibited in certain areas

- (1) No commercial fisher may take any pipi or be in possession of any pipi taken from any waters in any of quota management areas PPI1A, PPI1B, PPI1C, and PPI9, except as provided in subclause (2).
- (2) A commercial fisher may take pipi by means of hand-gathering (and may possess pipi so taken) in the following waters:
 - (a) the waters of quota management area PPI1A:
 - (b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40'S and 177°09.00'E) and the eastern area of the harbour (at 37°59.40'S and 177°09.50'E).

Regulations 4A to 4E were inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 4D was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulations 4C and 4D were substituted, as from 5 January 2006, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313).

4E Taking of kina prohibited in certain areas

- No commercial fisher shall take any kina or be in possession of any kina taken from those waters inside quota management area 1 between Pokahinu Point, Omaio (at 37°49.30'S and 177°36.00'E) and Cape Runaway (at 37°32.00'S and 177°59.40'E).

Regulations 4A to 4E were inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 4E was amended by regulation 6 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by substituting the expression “(at 37°32.00'S and 177°59.40'E)” for the expression “(at 37°32.20'S and 177°59.00'E)”.

Regulation 4E was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

4F Seasonal closure of Inner Hauraki Gulf

- (1) Subject to subclauses (2) and (3) of this regulation, no commercial fisher shall—
 - (a) At any time during the period beginning with the 1st day of October in any year and ending with the close of the 31st day of March in the following year, take by any method any finfish from the Inner Hauraki Gulf; or
 - (b) Possess any finfish taken in contravention of subclause (1) of this regulation.
- (2) Subclause (1) of this regulation shall not prevent the taking or being in possession of—
 - (a) Grey mullet or yellow-eyed mullet taken by a set net:
 - (b) Flatfish taken by a set net with a total height not exceeding 1 metre and whose entire bottom length, when set, is in direct contact with the sea bed:
 - (c) Longfinned eels or shortfinned eels taken by a fyke net:
 - (d) Pilchards or anchovy taken by a purse seine or lampara net:
 - (e) Garfish or piper taken by a purse seine or lampara net.

(3) Subclause (1) of this regulation does not apply to prevent the taking, or the possession of finfish taken, during the period beginning with the 1st day of October 1995 and ending with the close of the 12th day of October 1995.

Regulation 4F was inserted, as from 13 October 1995, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214). Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

4G Restriction on taking shellfish from Karekare Beach

- No person may take from, or be in possession of any shellfish taken from, that area of New Zealand fishery waters lying within an area bounded by a line commencing at the southern end of Karekau Point (at 36°59.8'S and 174°28.4'E), then proceeding generally in a westerly direction to the southern end of Paratahi Island (at 36°59.8'S and 174°28.2'E), then generally in a northern direction to Farley Point (at 36°59.2'S and 174°28.1'E), then generally in a southerly direction along the mean high-water mark to the point of commencement.

Regulation 4G was inserted, as from 1 April 1998, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/24).

5 Restriction on mesh size of trawl nets

- (1) Notwithstanding regulation 71 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to trawl net mesh sizes, no commercial fisher shall, at any time, use for the taking of fish within those waters of the Auckland Fishery Management Area specified in subclause (1A) of this regulation a trawl net with a mesh size of less than 125 mm in the cod end, unless authorised to do so by a current fishing permit.
(1A) Subclause (1) of this regulation applies to those waters within the Auckland Fishery Management Area that are enclosed by a line commencing at Tirua Point on the west coast of the North Island (at 38°23.0'S and 174°38.5'E); then proceeding along a straight line to the 100-metre contour line (at 38°17.0'S and 174°03.0'E); then proceeding in a generally northerly direction along the 100-metre contour line (as shown on Chart NZ23) to a point (at 34°03.0'S and 174°38.5'E) due north of Cape Reinga; then proceeding in a generally southerly direction along the the 100-metre contour line (as shown on Chart NZ23) to a point (at 37°31.0'S and 177°59.4'E); then proceeding due south to Cape Runaway on the east coast of the North Island (at 37°32'S and 177°59.4'E); then proceeding in a generally north-westerly and south-easterly direction along the line of the mean high-water mark of the coast of the North Island to the point of commencement.

- (2) Nothing in subclause (1) of this regulation shall apply in respect of any trawl net that is on board any vessel but stowed in such a manner that is not readily available for fishing.
- (3) Notwithstanding regulation 71 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to trawl net mesh sizes, no commercial fisher shall, at any time, use for taking fish in the Auckland Fisheries Area any trawl net with a mesh size of less than 125mm in the cod-end.
- (4) [Revoked]

Regulation 5(1) was substituted, and regulation 5(1A) was inserted, as from 13 October 1995, by regulation 4(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

Regulation 5(1) and (3) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. Regulation 5(1) and (3) was further amended, as from 1 October 2001, by regulation 9 of those regulations by substituting the words “regulation 71 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 47 of the Fisheries (Commercial Fishing) Regulations 1986”.

Regulation 5(4) was inserted by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 5(4) was amended, as from 1 October 1994, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1994/181) by substituting the expression “subclause (1)” for the expression “subclause (3)”, and by omitting the words “condition on”.

Regulation 5(4) was revoked, as from 13 October 1995, by regulation 5(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1995/214).

5A Restrictions on use of nets and dredges

- No commercial fisher shall use any trawl net, set net, Danish seine net, purse seine net, lampara net, drag net, or dredge to take any fish or aquatic life within the waters of quota management area 1 or quota management area 9, unless that method is specifically authorised in a fishing permit held by that commercial fisher.

Regulations 5A to 5E were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 5A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

5B Restrictions on taking of paddle crabs, octopus, and hagfish

- [Revoked]

Regulations 5A to 5E were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Subclause (1A) was inserted, as from 26 September 1991, by regulation 7 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Regulation 5B was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 5B was revoked, as from 13 January 2005, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/455).

5C Certain species may be taken by use of nets

- Despite regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001, a commercial fisher may take anchovy, pilchard, or saury from the waters of quota management area 1 or quota management area 9 by means of a net (not being a purse seine or lampara net) no mesh of which is less than 25 mm.

Regulations 5A to 5E were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).
The original paragraph (b) was amended by regulation 8 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by omitting the expression “, sardines,”.

Regulation 5C was substituted, as from 1 October 1994, by regulation 5(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1994/181).
Paragraph (a) was amended, as from 1 April 1995, by regulation 2(a) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33) by substituting the word “Koheru” for the words “Blue mackerel, jack mackerel, or koheru”.
Paragraph (c) was revoked, as from 1 April 1995, by regulation 2(b) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33).

Regulation 5C was further substituted, as from 5 November 1998, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/297).

Regulation 5C was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. It was further amended, as from 1 October 2001, by regulation 9 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21(1) of the Fisheries (Commercial Fishing) Regulations 1986”.

5D

- [Revoked]

Regulations 5A to 5E were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).
Regulation 5D was revoked by regulation 9 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

5E Taking of green-lipped mussel spat prohibited in certain areas

- [Revoked]

Regulations 5A to 5E were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).
Regulation 5E was amended by regulation 10 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by substituting the words “green-lipped mussel spat” for the words “green mussel spat”.
Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.
Regulation 5E was revoked, as from 1 October 2004, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280).

5F Minimum set net mesh size

- Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001, the mesh size of any set net used or possessed by any commercial fisher in the Auckland Fishery Management Area shall not be less than the appropriate size specified in the following table:

Species of fish	Minimum Set Net Mesh Size (mm)
Blue moki	114
Bluenose	160
Flatfish	114
Hapuku/bass	160
Kahawai	90
Grey mullet	90
Parore	114
Rig	125

Species of fish	Minimum Set Net Mesh Size (mm)
School shark	125
Snapper	125
Trevally	125

Regulation 5F was inserted by regulation 6 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 5F was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. It was further amended, as from 1 October 2001, by regulation 9 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986”.

6 Pair trawling and pair Danish seining prohibitions

- (1) *Bay of Plenty*: No commercial fisher shall use any trawl net or Danish seine net that is drawn or hauled by more than one fishing vessel in the waters of the Bay of Plenty enclosed by a line commencing at Tokarahu Point (at 36°41.61'S and 175°47.4'E); then due east to a point 36°41.61'S and 177°59'E, then due south to Cape Runaway (at 37°32.2'S and 177°59'E); then generally westward along the mean high-water mark to the point of commencement.
- (2) *Auckland Fisheries Area*: No commercial fisher shall use any trawl net or Danish seine net that is drawn or hauled by more than one fishing vessel in areas 005, 006, or 007 of the Auckland Fisheries Area, except within those waters of area 005 which lie north of a line drawn between Cape Rodney (at 38°15.8'S and 174°29.5'E) and Cape Barrier on Great Barrier Island (at 36°20.9'S and 175°31.8'E) where the fisherman's fishing permit has been endorsed with a condition authorising the commercial fisher to do so.

Regulation 6 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

7 Fishing from vessels transporting Danish seine nets prohibited

- No commercial fisher shall, in waters where Danish seining is prohibited, take fish by any method from any vessel that has on board any Danish seine net.

Regulation 7 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

8 Danish seine gear restrictions in Auckland Fisheries Area

- No commercial fisher shall use any Danish seine net, including any warp, rope, or chain used in conjunction with or attached to the net, in area 006 of the Auckland Fisheries Area at any time between the 1st day of October in any year and the 31st day of March in the following year (both days inclusive), the dimensions of which exceed—
 - (a) 76.5m in circumference at the place where the square or apron of the net is joined to the lower belly of the bag of the net; or
 - (b) 48m in length measured from the centre of the bolsh-line to the front or leading edge of the cod-end; or
 - (c) 2,400m in length of warp, rope, or chain on either side of the net.

Regulation 8 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

9 Provisions as to Danish seining

- (1) No commercial fisher shall use or transport a trawl net on any fishing vessel while the vessel is also transporting or using a Danish seine net.
- (2) No commercial fisher shall use or transport any otter board or boards on any fishing vessel while such a vessel is engaged in Danish seining or carrying any Danish seine gear.

Regulation 9 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

10 Provisions as to trawling

- No commercial fisher shall use or transport a Danish seine net on any fishing vessel while such a vessel is also transporting or using a trawl net.

Regulation 10 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

10A Certain fishing methods prohibited in defined areas

- (1) No commercial fisher shall use for taking fish a box or teichi net, purse seine net, Danish seine net, trawl net, or lampara net, or set nets of a total length exceeding 1000 metres, in the following waters:
 - (a) *Kawhia Harbour*: The waters of Kawhia Harbour lying inside a straight line drawn from the northernmost extremity of Urawitiki Point (at 38°05.26'S and 174°46.25'E) to Tauratahi Point (at 38°05.05'S and 174°46.86'E):
 - (b) *Aotea Harbour*: The waters of Aotea Harbour lying inside a straight line drawn from Potahi Point (at 38°00.56'S and 174°47.97'E) to the westernmost extremity of Kahua Point (at 38°02.19'S and 174°47.09'E):
 - (c) *Raglan Harbour*: The waters of Raglan Harbour lying inside a straight line drawn from Rangitoto Point (at 37°47.95'S and 174°50.50'E) to the south head of Raglan Harbour Entrance (at 37°48.22'S and 174°50.50'E):
 - (d) *Waikato River Mouth*: The waters of the Waikato River Mouth lying inside a straight line drawn from the northern point (at 37°21.10'S and 174°41.33'E) to the southern point (at 37°23.69'S and 174°42.72'E):
 - (e) *Manukau Harbour*: The waters of the Manukau Harbour lying inside a straight line drawn from the signal staff on the south head (at 37°03.20'S and 174°32.70'E) to the easternmost extremity of Paratutai Island (at 37°02.83'S and 174°30.72'E):
 - (f) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of north head (at 36°23.80'S and 174°03.00'E) to the south head of the harbour (at 36°28.06'S and 174°09.73'E):
 - (g) *Hokianga Harbour*: The waters of Hokianga Harbour lying inside a straight line drawn from the north head of the harbour (at 35°31.29'S and 173°21.41'E) to the south head of the harbour (at 35°32.20'S and 173°22.30'E):
 - (h) *Whangape Harbour*: The waters of Whangape Harbour lying inside a straight line drawn from the north head of the harbour (at 35°22.68'S and 173°12.93'E) to the south head of the harbour (at 35°22.80'S and 173°13.28'E):
 - (i) *Herekino Harbour*: The waters of Herekino Harbour lying inside a straight line drawn from the north head of the harbour (at 35°17.40'S and 173°09.85'E) to the south head of the harbour (at 35°17.64'S and 173°09.54'E):
 - (j) *Parengarenga Harbour*: The waters of Parengarenga Harbour lying inside a straight line drawn from the northeasternmost extremity of the Kokota Peninsula (at 34°32.0'S and 172°59.40'E) in a northeasterly direction to the easternmost extremity of Ohao Point (otherwise known as Coal Point) (at 34°30.64'S and 173°00.47'E):
 - (k) *Houhora Harbour*: The waters of Houhora Harbour lying inside a straight line drawn from Perpendicular Point (at 34°49.66'S and 173°10.0'E) to the southern headland (at 34°49.66'S and 173°09.29'E):

- (l) *Rangaunu Harbour*: The waters of Rangaunu Harbour lying inside a straight line drawn from Blackney Point (at 34°51.81'S and 173°17.17'E) to Otiara Point (at 34°53.67'S and 173°16.79'E):
- (m) *Mangonui Harbour*: The waters of Mangonui Harbour lying inside a straight line drawn from Rangitoto Point (at 34°58.81'S and 173°31.68'E) and to Rangikapiti Head (at 34°58.93'S and 173°31.49'E):
- (n) *Whangaroa Harbour*: The waters of Whangaroa Harbour lying inside a straight line drawn from North Head (at 35°00.12'S and 173°45.42'E) and to South Head (at 35°00.38'S and 173°46.05'E):
- (o) *Bay of Islands*: The waters of the Bay of Islands lying inside straight lines drawn between Tapeka Point (at 35°14.63'S and 174°07.18'E) to the northern point of Motuarohia (at 35°13.82'S and 174°09.42'E), then to Red Head (at 35°11.90'S and 174°12.44'E), then by mean high water mark along the northern side of Okahu Island to the eastern extremity of Okahu Island (at 35°11.98'S and 174°12.85'E), then by a straight line to Kohangaatara Point (at 35°13.18'S and 174°15.90'E):
- (p) *Port Russell*: The waters of Port Russell lying inside a straight line drawn between the western point (at 35°15.56'S and 174°04.90'E) and the eastern point (at 35°15.17'S and 174°06.69'E):
- (q) *Whangaruru Harbour*: The waters of Whangaruru Harbour lying inside a line commencing at the easternmost extremity of Cape Home (at 35°22.66'S and 174°22.65'E) on the northern side of the entrance of the harbour; then in a straight line in a southwesterly direction to the easternmost extremity of Henry Island (at 35°23.23'S and 174°22.39'E); then through the easternmost extremity of Nops Island (at 35°24.40'S and 174°21.80'E); then in a straight line to the shore on the southern side of the harbour (at 35°24.40'S and 174°21.20'E):
- (r) *Tutukaka Harbour*: The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head (South Gable) (at 35°36.92'S and 174°32.65'E) to the southern side of the entrance (at 35°37.18'S and 174°32.46'E) of the harbour.
- (s) *Whangarei Harbour*: The waters of Whangarei Harbour lying inside a straight line drawn from the southwestern extremity of Busby Head (at 35°51.83'S and 174°31.82'E) to the northern chimney of the Marsden Point Power Station (at 35°52.50'S and 174°28.10'E):
- (t) *Mangawhai Harbour*: The waters of Mangawhai Harbour lying inside a straight line drawn from the northern point (at 36°05.09'S and 174°35.90'E) to the southern point (at 36°05.22'S and 174°35.95'E):
- (u) *Whangateau Harbour*: The waters of Whangateau Harbour lying inside a straight line drawn from the western most extremity of Ti Point (at 36°19.30'S and 174°47.06'E) to Omaha Spit (at 36°19.36'S and 174°46.70'E):
- (v) *Bon Accord Harbour*: The waters of Bon Accord Harbour lying inside a straight line drawn from Accord Point (at 36°25.20'S and 174°49.13'E) to Momoma Point (at 36°25.80'S and 174°48.94'E):
- (w) *Mahurangi Harbour*: The waters of Mahurangi Harbour lying inside a straight line drawn from the northern point (at 36°30.37'S and 174°44.18'E) to the southern point known as Cudlip Point (at 36°31.06'S and 174°43.80'E):
- (x) *Port Fitzroy*: The waters of Port Fitzroy and Port Abercrombie lying inside a line drawn from Wellington Head (at 36°09.78'S and 175°16.91'E) to the northwesternmost point of Okokewa Island (at 36°08.60'S and 175°18.42'E); then by a straight line to the nearest point of the mainland of Great Barrier Island (at 36°08.50'S and 175°18.55'E); then to the northeasternmost point of Motuhaku Island (at 36°09.90'S and 175°17.61'E) to the northeasternmost point of Nelson Island (at 36°10.11'S and 175°18.07'E); then from the southeasternmost point of Nelson Island to the northwesternmost point of Kaikoura Island (at 36°10.14'S and 175°18.19'E) and lying inside a straight line drawn across Man-O-War Passage at its narrowest point (from 36°11.35'S and 175°19.51'E to 36°11.42'S and 175°19.51'E):

- (y) *Whangaparapara Harbour*: The waters of Whangaparapara Harbour lying inside a straight line drawn from Lighthouse Point (at 36°15.26'S and 175°23.62'E) and to Beacon Point (at 36°15.74'S and 175°23.87'E):
- (z) *Tryphena Harbour*: The waters of Tryphena Harbour on Great Barrier Island lying inside a straight line drawn from Tryphena Point (at 36°19.25'S and 175°28.75'E) and passing through Bird Islet (at 36°18.80'S and 175°28.25'E) and passing through to the nearest point of the mainland of Great Barrier Island:
- (za) *Auckland Harbour*: The waters of Auckland Harbour lying inside a straight line drawn from Cook Point (at 36°49.88'S and 174°48.72'E) to Bastion Point (at 36°50.73'S and 174°49.44'E):
- (zb) *Tamaki Estuary*: The waters of the Tamaki Estuary lying inside a straight line drawn from West Tamaki Head (at 36°50.90'S and 174°52.51'E) and to Musick Point (at 36°50.90'S and 174°54.10'E):
- (zc) *Manaia Harbour*: The waters of Manaia Harbour lying inside a straight line drawn from the northern point (at 36°50.78'S and 175°26.0'E) and to the southern point (at 36°51.10'S and 175°25.15'E):
- (zd) *Te Kouma Harbour*: The waters of Te Kouma Harbour lying inside a straight line drawn from the northern point (at 36°49.65'S and 175°25.45'E) to the southern point (at 36°49.81'S and 175°25.70'E):
- (ze) *Coromandel Harbour*: The waters of Coromandel Harbour lying inside a straight line drawn from the northern point of Whanganui Island (at 36°46.40'S and 175°27.40'E) and the mainland (at 36°46.33'S and 175°27.46'E) and lying inside a straight line drawn from the western point of Whanganui Island (at 36°47.90'S and 175°25.85'E) to Esk Point (at 36°48.57'S and 175°26.10'E):
- (zf) *Whangapoua Harbour*: The waters of Whangapoua Harbour lying inside a straight line drawn from the northwestern point (at 36°43.45'S and 175°37.60'E) and to Owaro Spit (at 36°43.60'S and 175°37.70'E):
- (zg) *Whitianga Harbour*: The waters of Whitianga Harbour lying inside a straight line drawn from the eastern point (at 36°49.98'S and 175°42.63'E) and to the western point (at 36°50.45'S and 175°42.49'E):
- (zh) *Tairua Harbour*: The waters of Tairua Harbour lying inside a straight line drawn from Te Huruhuru Point (at 37°00.41'S and 175°51.88'E) to Royal Billy Point (at 37°00.48'S and 175°51.70'E):
- (zi) *Whangamata Harbour*: The waters of Whangamata Harbour lying inside a straight line drawn from Te Karaka Point (at 37°12.29'S and 175°52.96'E) to the western point (at 37°12.18'S and 175°52.70'E):
- (zj) *Tauranga Harbour*: The waters of Tauranga Harbour lying inside a straight line drawn from the easternmost point of Matakana Island (at 37°38.23'S and 176°09.71'E) to the southernmost point of Mount Manganui (at 37°38.27'S and 176°10.14'E) and those waters lying inside a straight line drawn from Papatu Point (at 37°28.25'S and 175°59.15'E) to the northernmost point of Matakana Island (at 37°28.46'S and 175°59.12'E):
- (zk) *Whakatane Harbour*: The waters of Whakatane Harbour lying inside a straight line drawn from the eastern point (at 37°56.40'S and 177°00.80'E) to the western point (at 37°56.70'S and 177°59.70'E):
- (zl) *Ohiwa Harbour*: The waters of the Ohiwa Harbour lying inside a straight line drawn from the eastern point (at 37°59.50'S and 177°09.50'E) to the western point (at 37°59.50'S and 177°08.40'E).

(2) No commercial fisher shall set any net within 60 metres of any other net in the waters described in subclause (1) of this regulation.

Regulation 10A was inserted by regulation 7 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 10A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Regulation 10A(1)(a): amended, on 1 October 2008, by regulation 6(1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(b): amended, on 1 October 2008, by regulation 6(2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(c): amended, on 1 October 2008, by regulation 6(3) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(d): amended, on 1 October 2008, by regulation 6(4) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(e): amended, on 1 October 2008, by regulation 6(5) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(f): amended, on 20 November 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10A(1)(f): amended, on 1 October 2008, by regulation 6(6) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(g): amended, on 1 October 2008, by regulation 6(7) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(h): amended, on 1 October 2008, by regulation 6(8) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10A(1)(i): amended, on 1 October 2008, by regulation 6(9) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

10B Trawl fishing prohibited in defined areas

- (1) A commercial fisher must not use a trawl net for fishing within the following waters:
 - (a) *Scott Point to Maunganui Bluff*: the waters lying within 1 nautical mile to the seaward due west of a baseline commencing at Scott Point (at 34°31.35'S and 172°42.20'E); then by the mean high-water mark to the north head of Herekino Harbour (at 35°17.40'S and 173°09.85'E); then by a straight line to the south head of Herekino Harbour (at 35°17.64'S and 173°09.54'E); then by the mean high-water mark to the north head of Whangape Harbour (at 35°22.68'S and 173°12.93'E); then by a straight line to the south head of Whangape Harbour (at 35°22.80'S and 173°13.28'E); then by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.29'S and 173°21.41'E); then by a straight line to the south head of Hokianga Harbour (at 35°32.20'S and 173°22.30'E); then in a southerly direction along the mean high-water mark to Maunganui Bluff (at 35°45.54'S and 173°33.30'E):
 - (b) *Manukau Harbour to Port Waikato*: the waters lying within 4 nautical miles to the seaward due west of a baseline commencing from Windy Point (at 37°02.02'S and 174°28.98'E); then by the mean high-water mark to Paratutai Island (at 37°02.83'S and 174°30.72'E); then by a straight line to the signal staff on the south head of Manukau Harbour (at 37°03.20'S and 174°32.70'E); then by the mean high-water mark to a point north of the Waikato River mouth (at 37°21.10'S and 174°41.33'E); then by a straight line to the south head of the Waikato River mouth (at 37°23.69'S and 174°42.72'E):
 - (c) *Maunganui Bluff to Tirua Point*: the waters lying within 2 nautical miles to the seaward due west of a baseline—
 - (i) commencing at Maunganui Bluff (at 35°45.54'S and 173°33.30'E), by the mean high-water mark to the southernmost extremity of the north head of Kaipara Harbour (at 36°23.80'S and 174°03.00'E); then by a straight line to the south head of Kaipara Harbour (at 36°28.06'S and 174°09.73'E); then by the mean high-water mark to a point on Paratutai Island (at 37°02.83'S and 174°30.72'E); and
 - (ii) then by a straight line to the signal staff on the south head of Manukau Harbour (at 37°03.20'S and 174°32.70'E); and

- (iii) then by the mean high-water mark to the north head of the Waikato River mouth (at 37°21.10'S and 174°41.33'E); then by a straight line to the south head of the Waikato River mouth (at 37°23.69'S and 174°42.72'E); then proceeding southerly by the mean high-water mark to Rangitoto Point (at 37°47.95'S and 174°50.50'E); then by a straight line to the south head of Raglan Harbour (at 37°48.22'S and 174°50.50'E); then by the mean high-water mark to Potahi Point (at 38°00.56'S and 174°47.97'E); then by a straight line to Kahua Point (at 38°02.19'S and 174°47.09'E); then by the mean high-water mark to Tauratahi Point (at 38°05.05'S and 174°46.86'E); then by a straight line to Urawitiki Point (at 38°05.26'S and 174°46.25'E); then by the mean high-water mark to Tirua Point (at 38°23.22'S and 174°38.04'E).

(2) For the purposes of the areas 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 those areas if they extend seawards or as the outer boundary of those areas if they extend landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

Regulation 10B: inserted, on 1 October 2008, by regulation 7 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Regulation 10B(1)(a): amended, on 20 November 2008, by regulation 5(1)(a) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(a): amended, on 20 November 2008, by regulation 5(1)(b) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(a): amended, on 20 November 2008, by regulation 5(1)(c) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(b): amended, on 20 November 2008, by regulation 5(2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(c): amended, on 20 November 2008, by regulation 5(3) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(c)(ii): amended, on 20 November 2008, by regulation 5(4) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 10B(1)(c)(iii): substituted, on 20 November 2008, by regulation 5(5) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

10C Drift net fishing prohibited in Port Waikato

- (1) A commercial fisher must not use a drift net for fishing within the waters lying inside a line with the co-ordinates set out in subclause (2) (which are at each side of the harbour entrance of Port Waikato joined by a straight line) and extending landward from that line.
- (2) The co-ordinates are—
 - (a) North Waikato River mouth (at 37°21.10'S and 174°41.33'E); and
 - (b) South Waikato River mouth (at 37°23.69'S and 174°42.72'E).

Regulation 10C: inserted, on 1 October 2008, by regulation 7 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

11 Drag netting prohibited in defined areas

- No commercial fisher shall use a drag net at any time in the following waters:
 - (a) *Whangarei Harbour*: The waters of the Whangarei Harbour lying inside a straight line drawn from Marsden Point (at 35°50.45'S and 174°29.96'E) to Lort Point (at 35°49.98'S and 174°30.13'E); except that area specified in regulation 12 of these regulations:

- (b) *Kawhia Harbour*: The waters of Kawhia Harbour lying inside a straight line drawn from the northernmost extremity of Urawitiki Point (at 38°5.5'S and 174°45.4'E) on the Southern Head of Kawhia Harbour to North Head or Tau-ra-tahi (at 38°05.18'S and 174°46.9'E):
- (c) *Aotea Harbour*: The waters of Aotea Harbour lying inside a straight line drawn from the northernmost extremity of Kahua Point (at 38°02.2'S and 174°46.8'E) to Potahi, the Northern Head (at 38°00.5'S and 174°47.5'E):
- (d) *Raglan Harbour*: The waters of Raglan Harbour lying inside a straight line drawn from the northernmost extremity of South Head (at 37°48.35'S and 174°50.56'E) to the westernmost extremity of Rangitoto Point (at 37°48.75'S and 174°50.4'E) on the Northern Head at the entrance of Raglan Harbour:
- (e) *Manukau Harbour*: Those waters of the Manukau Harbour lying inside a straight line drawn from the signal staff at South Head (at 37°03.17'S and 174°32.65'E) to Paratutai Island (at 37°02.92'S and 174°30.5'E):
- (f) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of North Head (at 36°23.8'S and 174°03'E) to Pukitu on the South Head of the harbour (at 36°30'S and 174°12.65'E):
- (g) *Tauranga Harbour*:
 - (i) Those waters lying east of a straight line drawn from the southernmost point of Matakana Island (at 37°38.76'S and 176°09.03'E) to Tilby Point (at 37°39.68'S and 176°07.42'E):
 - (ii) Those waters enclosed by a line commencing at Matakana Point (also known as Flax Point) (at 37°36.2'S and 176°02.05'E) on Matakana Island to Ngakautuakina Point (also known as Pahoia Point) on the mainland (at 37°37.6'S and 176°00.98'E); then along the mean high-water mark to a point east of Tahawai Stream (at 37°31.97'S and 175°56.82'E); then by a straight line in an easterly direction to Tirohanga Point at the southern headland of the entrance to Blue Gum Bay on Matakana Island (at 37°34.33'S and 176°01.8'E); then along the mean high-water mark to the point of commencement:
 - (iii) at any time during the period commencing on 14 December in any year and ending with the close of the last day of February in the following year, in those waters lying inside a line drawn from Papatu Point (at 37°28.25'S and 175°59.15'E); then in a straight line to the northwesternmost point of Matakana Island (at 37°28.46'S and 175°59.12'E); then along the mean high-water mark to the easternmost point of Matakana Island (at 37°38.23'S and 176°09.71'E); then in a straight line to the southernmost extremity of Mount Maunganui Island (at 37°38.27'S and 176°10.14'E):
- (h) *Mangawhai Harbour*: Those waters of Mangawhai Harbour lying inside a line commencing at 36°05.00'S and 174°35.90'E; then in a southerly direction along the mean high water mark to the point at 36°06.50'S and 174°36.60'E. The line shall cross any entrance or breach leading into the harbour wherever it may occur by the most direct route at the seaward entrance between the point at 36°05.00'S and 174°35.90'E, and the point at 36°06.50'S and 174°36.00'E.

Regulation 11 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Paragraph (g)(iii) was amended by regulation 8 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by omitting the word “except”.

Paragraph (g)(iii)(A) was revoked, as from 1 April 1995, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33).

Paragraph (g)(iii) was substituted, as from 22 June 2000, by clause 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2000 (SR 2000/78).

Paragraph (h) was inserted, as from 1 April 1995, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33).

12 Restricted drag netting

- (1) *Snake Bank*: Notwithstanding regulation 11(a) of these regulations, but subject to subclause (2) of this regulation, any commercial fisher may use a drag net that has no pocket or cod end in the waters surrounding Snake Bank in the Whangarei Harbour bounded by a line commencing at Marsden Point (at 35°50.45'S and 174°29.96'E); then along the mean high water mark to One Tree Point (at 35°49.20'S and 174°27.23'E) then along a straight line to Manganese Point (at 35°47.78'S and 174°26.74'E), then along a straight line to Reserve Point (at 35°47.68'S and 174°27.44'E), then along the mean high water mark to a point approximately one-half nautical mile due south of Munro Bay (at 35°47.71'S and 174°28.88'E), then along a straight line to Darch Point (at 35°49.33'S and 174°29.56'E), then along the mean high water mark to Lort Point (at 35°49.97'S and 174°30.14'E), then along a straight line to the point of commencement at Marsden Point.
- (2) *Whangarei Harbour and Snake Bank*: No commercial fisher shall use a dragnet between the hours of sunset and sunrise during the period commencing on the 1st day of December in any year and finishing on the 31st day of March in the following year (both inclusive) in the waters of the outer Whangarei Harbour and surrounding Snake Bank bounded by a line commencing at Home Point (at 35°51.12'S and 174°31.51'E), then along a straight line to Marsden Point (at 35°50.45'S and 174°29.96'E), then along the mean high water mark to One Tree Point (at 35°49.20'S and 174°27.23'E), then along a straight line to Manganese Point (at 35°47.78'S and 174°26.74'E), then along a straight line to Reserve Point (at 35°47.68'S and 174°27.44'E), then along the mean high water mark to a point approximately one-half nautical mile due south of Munro Bay (at 35°47.71'S and 174°28.88'E), then along a straight line to Darch Point (at 35°49.33'S and 174°29.56'E) then along the mean high water mark to the point of commencement at Home Point.
- (3) *Tauranga Harbour*: Subject to subclauses (4) and (5), no commercial fisher may use a drag net to take fish from the waters of Tauranga Harbour lying inside a straight line drawn from Panepane Point, being the easternmost point of Matakana Island (at 37° 38.32'S and 176° 09.67'E) to Stony Point, being the southernmost point of Mount Maunganui (at 37° 38.27'S and 176° 10.14'E), and those waters lying inside a straight line drawn from Papatu Point (at 37° 28.25'S and 175° 59.15'E) to the northernmost point of Matakana Island (at 37° 28.46'S and 175° 59.12'E).
- (4) The permit holders named in Part 1 of Schedule 2 may use a drag net to take fish from Tauranga Harbour, but a permit holder may use only 1 fishing vessel at any 1 time to take those fish.
- (5) The permit holders named in Part 2 of Schedule 2 may use a drag net to take from Tauranga Harbour fish specified in that Part as their target species, but a permit holder may use only 1 fishing vessel at any 1 time to take those fish.
- (6) The permit holders named in Schedule 2 are exempt from regulation 38 of the Fisheries (Commercial Fishing) Regulations 1986 when using a drag net to take fish from Tauranga Harbour, but permit holders must not—
 - (a) use a drag net to take fish in the time commencing 30 minutes after sunset on any day and ending 30 minutes before sunrise the following day; or
 - (b) use a drag net to take fish on any weekend day or on any statutory holiday; or
 - (c) use a drag net to take fish, if the net has a net mesh size less than 114 millimetres, from 1 March 2001; or
 - (d) use, or have on board a fishing vessel, a drag net to take fish, if the net has a total length (including any warp, rope, chain, short end, wing, leader, or any other attached item) in excess of 1500 metres.
- (7) Subclauses (6)(a) and (c) do not apply to permit holders named in Schedule 2 who are eligible to target piper or garfish, and are target fishing for piper or garfish.

Regulation 12 was substituted by regulation 9 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Subclauses (1) and (2) were amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclauses (3) to (5) were inserted, as from 15 July 1999, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1999 (SR 1999/178).

Subclauses (6) and (7) were inserted, as from 22 June 2000, by clause 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing Amendment Regulations 2000 (SR 2000/78).

13 Drag net mesh size for snapper

- Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to net mesh sizes, no commercial fisher shall use for taking snapper in the Auckland Fishery Management Area any drag net with a mesh size of less than 125mm.

Regulation 13 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. It was further amended, as from 1 October 2001, by regulation 9 of those Regulations by substituting the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986”.

14 Stalling permitted in Kaipara Harbour

- [Revoked]

Regulation 14: revoked, on 1 April 2008, by regulation 5 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/25).

15 Set netting for snapper, trevally, or rig

- No commercial fisher shall fish for or take any snapper, trevally, or rig within the Auckland Fishery Management Area by means of any set net which has mesh of a size less than 125mm.

Regulation 15 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

15A Set netting prohibited in defined areas

- (1) No commercial fisher shall use any set net within the following waters:
 - (a) *Three Kings Islands*: The waters lying inside a line every point of which is 1 nautical mile from the mean high water mark on all the islands, islets, and rocks of the Three Kings Islands group:
 - (b) *Bay of Islands*:
 - (i) *Cape Wiwiki*: The waters lying within a radius of 1 nautical mile from the easternmost extremity of Cape Wiwiki (at 35°09.42'S and 174°07.70'E):
 - (ii) *Whale Rock*: The waters lying inside a line every point of which is 1 nautical mile from a position at 30°11.51'S and 174°12.0'E on Whale Rock:
 - (iii) *Twins Rock*: The waters lying inside a line every point of which is 1 nautical mile from the mean high water mark on the Twins Rock:
 - (c) *Hen and Chicken Islands*:
 - (i) *Taranga (Hen) Island*: The waters on the northern side of Taranga Island (otherwise known as Hen Island) lying inside a line commencing at the northernmost extremity of Taranga Island (at 35°57.28'S and 174°41.89'E); then in a due north direction for a distance of 0.5 nautical mile to the point at 35°56.78'S and 174°41.89'E; then in a generally easterly direction by a line every point of which is 0.5 nautical mile from the mean high water mark to the point at 35°57.68'S and 174°44.75'E; then by a straight line due south to the easternmost extremity of Taranga Island (at 35°58.18'S and 174°44.75'E):

nautical miles from the mean high water mark on the eastern side of Rakitu Island to the point at 36°08.89'S and 175°29.49'E; then by a straight line due north to the southernmost extremity of Te Akau Point (at 36°08.39'S and 175°29.49'E):

- (iii) *Cape Barrier*: The waters at the southern end of Great Barrier Island lying inside a line commencing at the westernmost extremity of the south head of Tryphena Harbour (at 36°19.48'S and 175°28.44'E); then in a due south direction for a distance of 0.5 nautical miles to the point at 36°20.98'S and 175°28.44'E); then in a generally easterly direction by a line every point of which is one-half nautical mile from the mean high water mark to the point at 36°20.37'S and 175°32.75'E); then by a straight line due west to the southeasternmost extremity of Cape Barrier (at 36°20.37'S and 175°32.25'E):
- (h) *Channel Island*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on Channel Island, being the island located approximately 3 nautical miles north of Cape Colville:
- (i) *Cape Colville*: The waters at the northern end of Cape Colville lying inside a line commencing at the northernmost extremity of Kaiiti Point (at 36°28.92'S and 175°19.80'E); then in a straight line in a northerly direction to the southernmost extremity of Channel Island (at 36°25.44'S and 175°19.75'E); then in a straight line in a south-easterly direction to the northernmost extremity of Square Top Island (at 36°27.76'S and 175°24.00'E); then by the mean high-water mark to the easternmost extremity of Square Top Island (at 36°27.79'S and 175°24.14'E); then in a straight line in a south-easterly direction to the mean high-water mark to the south-west of, and immediately adjacent to, Sugar Loaf Rocks (at 36°28.36'S and 175°24.69'E); then by the mean high-water mark in a generally north-westerly direction to a point to the south of Cape Colville, representing the eastern end of Port Jackson Bay (at 36°28.40'S and 175°20.45'E); then by a straight line across the bay in a generally south-westerly direction to the point of commencement:
- (j) *Mercury Islands*
 - (i) *Great Mercury Island*: The waters on the eastern and southern sides of Great Mercury Island lying inside a line commencing at the northernmost extremity of Arimawhai Point (at 36°34.81'S and 175°47.23'E); then in a northeast direction for a distance of one-half nautical mile to the point at 36°34.45'S and 175°47.66'E; then by a line every point of which in one-half nautical mile from the mean high water mark on the eastern and southern sides of Great Mercury Island to the point at 36°38.86'S and 175°46.58'E); then by a straight line due north to the southernmost extremity of Ahikopua Point (at 36°38.36'S and 175°46.58'E):
 - (ii) *Korapuki Island*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on Korapuki Island:
 - (iii) *Green Island*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on Green Island:
 - (iv) *Middle Island*: The waters on the eastern side of Middle Island lying inside a line commencing at the northernmost extremity of Middle Island (at 36°38.19'S and 175°51.57'E); then in a northeast direction for a distance of 0.25 nautical mile to the point at 36°38.00'S and 175°51.80'E; then by a line every point of which is 0.25 nautical mile from the mean high water mark on the eastern side of Middle Island to the point at 36°38.78'S and 175°51.66'E; then by a straight line due north to the easternmost extremity of Middle Island (at 36°38.52'S and 175°51.66'E); then in a due south direction for a distance of one-half nautical mile to the point at 36°39.06'S and 175°51.66'E; then by a line every point of which is one-half nautical mile from the mean high water mark on the western side of Middle Island to the point at 36°37.82'S and 175°52.03'E; then by a straight line in a southwest direction to the northernmost extremity of Middle Island (at 36°38.19'S and 175°51.57'E):

174°51.54'E); then by a straight line to Putoetoe Point (at 37°48.01'S and 174°51.87'E); then by the mean high-water mark to Potahi Point at Aotea Harbour (at 38°00.56'S and 174°47.97'E); then in a straight line to Kahua Point at Aotea Harbour (at 38°02.19'S and 174°47.09'E); then by the mean high-water mark to Kawhia Harbour at Tauratahi Point (at 38°05.05'S and 174°46.86'E); then by a straight line to Urawitiki Point (at 38°05.26'S and 174°46.25'E); then by the mean high-water mark to Tirua Point (at 38°23.22'S and 174°38.04'E):

- (iv) [Revoked]
- (m) *Tairua/Pauanui*: The waters inside an area defined by a line beginning at the mean high-water mark at the northernmost point of Storm Beach (at 37°02.77'S and 175°53.23'E); then in a straight line in a generally easterly direction to a position at the southernmost point of Home Bay (at 37°03.11'S and 175°56.05'E); then by a straight line in a generally northerly direction to Big King Rock (at 36°59.92'S and 175°55.34'E); then by a straight line in a generally north-westerly direction to the mean high-water mark at the northern end of Te Karo Bay (36°57.70'S and 175°50.75'E); then following the mean high-water mark in a southerly direction to the southernmost point of land near Te Huruhuru Point (at 37°00.40'S and 175°52.10'E); then in a straight line across the Tairua harbour entrance in a south-westerly direction to the northernmost point of land of the southern harbour headland (at 37°00.45'S and 175°51.70'E); then following the mean high-water mark in a generally southerly direction to the point of commencement.
- (n) *Cape Runaway* The waters within the area defined by a line beginning at the mean high-water mark at Cape Runaway (at approximately 37°32.3'S and 177°59'E); then proceeding in a straight line in a northerly direction to a position 2 nautical miles from the point of commencement at approximately 37°30.3'S and 177°59'E); then in a generally westerly direction by a line every point of which is 2 nautical miles from the mean high-water mark of Cape Runaway to a point at 37°31.2'S and 177°56.8'E); then in a straight line in a southerly direction to the mean high-water mark of a position (at 37°37.2'S and 177°56.8'E) adjacent to, or on, a stream tributary on Oruiti Beach; and then proceeding along the line of the mean high-water mark in a generally easterly and northerly direction to the point of commencement at Cape Runaway.

(2) For the purposes of the area defined in subclause (1)(l)(iii), 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.

Regulations 15A and 15B were inserted, as from 30 September 1993, by regulation 10 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 15A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Paragraph (i) was substituted, as from 30 November 1995, by regulation 4(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1995/230).

Regulation 15A(1)(l)(iii): substituted, on 1 October 2008, by regulation 8(1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Paragraph (l)(iii) was substituted, as from 21 September 2001, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 4) 2001 (SR 2001/276).

Paragraph (l)(iii) was substituted, as from 2 October 2003, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/223).

Paragraph (l)(iii) was substituted, as from 1 October 2005, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2005 (SR 2005/190).

Regulation 15A(1)(l)(iii): amended, on 20 November 2008, by regulation 6(a) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 15A(1)(l)(iii): amended, on 20 November 2008, by regulation 6(b) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2008 (SR 2008/401).

Regulation 15A(1)(l)(iv): revoked, on 1 October 2008, by regulation 8(2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

Paragraph (l)(iv) was inserted, as from 2 October 2003, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/223).

Paragraph (m) was inserted, as from 30 November 1995, by regulation 4(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1995/230).

Paragraph (n) was inserted, as from 23 October 1996, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1996/279).

Regulation 15A(2): added, on 1 October 2008, by regulation 8(3) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

15B Length of set net

- [Expired]

Regulations 15A and 15B were inserted, as from 30 September 1993, by regulation 10 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 15B expired with the close of 30 September 1998.

16 Maximum set net lengths in Kaipara Harbour

- (1) Notwithstanding regulation 65 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to set nets, no commercial fisher shall use to take mullet or kahawai in Kaipara Harbour set nets of a total length in excess of 1000m.
- (2) Notwithstanding regulation 65 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to set nets, no commercial fisher shall use to take flounder in Kaipara Harbour set nets of a total length in excess of 1000m.
- (3) Notwithstanding regulation 65 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulations made pursuant to the Act relating to set nets, no commercial fisher shall use to take fish (not being fish specified in subclause (1) or subclause (2) of this regulation) set nets of a total length in excess of 1000m.

Regulation 16 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. It was further amended, as from 1 October 2001, by regulation 9 of those Regulations by substituting the words “regulation 65 of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 42 of the Fisheries (Commercial Fishing) Regulations 1986”.

17 Seasonal prohibition on taking of finfish near Motu River

- No commercial fisher shall take by any method or be in possession of any finfish taken at any time between the 1st day of December in any year and the 31st day of March in the following year (both days inclusive) from the waters adjacent to the Motu River in the Bay of Plenty lying within a radius of 6 nautical miles of the Okatoa Rocks (at 37°53.7'S and 177°32.7'E).

Regulation 17 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

18 Restrictions on fishing in Manukau Harbour

- (1) No commercial fisher shall take any fish from the prescribed area during the hours between sunrise and sunset or be in possession of any fish during those hours while within the prescribed area.
- (2) No commercial fisher aboard any vessel in the prescribed area shall at any time cast overboard any fish, fish offal, or other refuse likely to attract birds into the area.

(3) For the purposes of this regulation, the expression **prescribed area** means all that area of water in the Manukau Harbour bounded by a line commencing at the intersection of 37°01.5'S and 174°45.2'E; and proceeding northerly along the 174°45.2' East meridian of longitude to the mean high-water mark of the sea; then in a generally easterly direction along that mean high-water mark to its intersection with the 37°00' South parallel of latitude; then easterly along the 37°00' South parallel of latitude to its intersection with the mean high-water mark; then in a generally southeasterly direction along the mean high-water mark to its intersection with the 37°01' South parallel of latitude; then south-westerly along a straight line to its intersection with the point 37°01.5'S and 174°49.3'E; then westerly along the 37°01.5' South parallel of latitude to the point of commencement.

Subclauses (1) and (2) were amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

18A Fishing in Kermadec Fisheries Management Area prohibited

- (1) No commercial fisher shall at any time take any fish, aquatic life, or seaweed from the waters of quota management area 10, or be in possession of any fish, aquatic life, or seaweed taken from those waters.
(2) Nothing in subclause (1) of this regulation shall apply to any fish of a species or class subject to the quota management system, or tuna, that are lawfully taken by a commercial fisher, or to any other fish taken as an inevitable consequence of the taking of such fish or tuna.

Regulation 18A was inserted by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 18A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

18AA Restrictions on fishing within 1 nautical mile of Mayor (Tuhua) Island

- No commercial fisher shall use for fishing a set net or longline within 1 nautical mile seaward of the mean high-water mark of the coast of Mayor (Tuhua) Island.

Regulation 18AA was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1992/210).

Regulation 18AA was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

19 Taking of finfish prohibited within 3 miles of Poor Knights Islands Marine Reserve

- (1) No commercial fisher shall take any finfish or have in possession any finfish taken from the waters lying between the outer limits of the Poor Knights Islands Marine Reserve, as described in the Marine Reserve (Poor Knights Islands) Order 1981¹ and a line every point of which is 3 nautical miles from the mean high-water mark on the Poor Knights Islands, High Peak Rocks, Sugarloaf Rock, and adjacent islands and rocks.
(2) Nothing in subclause (1) of this regulation shall apply to the use of a longline to take finfish or finfish taken by longline in those waters lying between a line every point of which is 1 nautical mile from the mean high-water mark on the Poor Knights Islands, High Peak Rocks, Sugarloaf Rock, and adjacent islands and rocks, and a line every point of which is 3 nautical miles from that mean high-water mark.

Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

19A Restrictions on fishing in Bay of Islands

- (1) No commercial fisher shall use any net in the following waters:
 - (a) *Ninepin*: The waters lying inside a line, every point of which is 1 nautical mile from the mean high water mark of Ninepin (at 35°9.25'S and 174°8.75'E):
 - (b) *Cape Brett*: The waters lying inside a line, every point of which is 1 nautical mile from the northernmost point of Cape Brett (at 35°10.45'S and 174°20.05'E):
 - (c) *Bird Rock*: The waters lying inside a line, every point of which is 1 nautical mile from the mean high water mark of Bird Rock (at 35°9.92'S and 174°18.35'E):
- (2) No commercial fisher shall take fish from the waters of the Bay of Islands inside a line drawn from Tapeka Point (at 35°14.63'S and 174°07.18'E) then to the north-western extremity of Motuarahia (Roberton) Island (35°13.82'S and 174°09.33'E); then to the north-western extremity of the outermost unnamed islet (35°13.13'S and 174°10.72'E) immediately to the north-west of Moturua Island; then to the north-western extremity of Okahu Island (Red Head) (35°11.95'S and 174°12.38'E); then by mean high water along the northern side of Okahu Island to the eastern extremity of Okahu Island (35°11.98'S and 174°12.85'E); then by straight line to the northern extremity of Kohangaatara Point (35°13.15'S and 174°15.83'E) on the eastern side of the Albert Channel, at any time between the 1st day of October in any year and the 30th day of April in the following year (both days inclusive).
- (3) Notwithstanding subclause (2) of this regulation, a commercial fisher may take rock lobster from the waters described in that subclause, by the method of potting, if that commercial fisher holds a current permit authorising the commercial fisher to take rock lobster from those waters by that method.

Regulation 19A was inserted by regulation 11 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 19A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

20 Taking of spotted black groper prohibited

- No commercial fisher shall take or be in possession of any spotted black groper taken from the Auckland Fishery Management Area or the Kermadec Fishery Management Area.

Regulation 20 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

20A Taking of squid from Kermadec Area prohibited

- No commercial fisher shall take, or be in possession of any squid taken, from the Kermadec Fishery Management Area.

Regulation 20A was inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/251).

Another regulation 20A was inserted by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1988/5), and renumbered as regulation 20B by regulation 6(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 20A was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

20B Taking of shortbill spearfish and sailfish prohibited in Auckland Fishery Management Area

- (1) No commercial fisher shall take any shortbill spearfish or sailfish by any fishing method from the Auckland Fishery Management Area or be in possession of any such fish taken from within that area.

(2) It is a defence to a charge under subclause (1) of this regulation if the fisherman proves that, immediately upon taking or coming into possession of the shortbill spearfish or sailfish,—

- (a) Where the fisherman had been supplied with tags by the chief executive or an officer of the Ministry, the fisherman tagged the fish (if alive) and returned it to the sea; or
- (b) In any other case, the fisherman returned the fish (whether alive or dead) to the sea.

Regulation 20B was originally inserted as another regulation 20A by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1988/5), and was renumbered as regulation 20B by regulation 6(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 20B(3) was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 4 (SR 1991/60).

Regulation 20B was substituted, as from 1 April 1995, by regulation 4(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33).

Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (2)(a) was amended, as from 1 October 2001, by regulation 5 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264), by substituting the words “chief executive” for the word “Director-General”.

20C Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised

- [Revoked]

Regulations 20C and 20D were inserted by regulation 11 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Subclause (5), Part B of the Table was amended, as from 30 September 1993, by regulation 12 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by inserting the species “Banded wrasse”, “Black angelfish”, “Butterfly perch”, “Giant boarfish”, “Green wrasse”, “Kelpfish”, “Long-finned boarfish”, “Marblefish”, “Notch-headed marblefish”, “Painted moki”, “Red mullet”, “Red pigfish”, “Rock cod”, “Sandager's wrasse”, “Scarlet wrasse”, “School shark”, “Splendid perch”, “Toadstool groper”.

Subclause (5) Part A was amended, as from 5 November 1998, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/297) by omitting the item “Yellow-eyed mullet”.

Regulation 20C was revoked, as from 1 October 2001, by regulation 6 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

20D Fish, aquatic life and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc

- [Revoked]

Regulations 20C and 20D were inserted by regulation 11 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161).

Subclause (1) was amended, as from 30 September 1993, by regulation 13(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by substituting the words “to subclause (2) of this regulation and any other regulation and any” for the words “any regulations or”.

Subclause (1) Table was amended, as from 1 October 1996, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1996/279) by omitting the words “Jack mackerel”.

Subclause (1) Table was further amended, as from 5 November 1998, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1998 (SR 1998/297) by omitting the items “Ribaldo” and “Rubyfish”.

Subclause (2) was inserted, as from 30 September 1993, by regulation 13(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Regulation 20D was revoked, as from 1 October 2001, by regulation 7 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

20E Sale of reef fish

- No person shall sell or possess for sale any species of fish taken from the Auckland Fishery Management Area that is specified in the following table:

Banded wrasse	Painted moki
Black angelfish	Red moki
Butterfly perch	Red mullet (goatfish)
Giant boarfish	Red pigfish
Green wrasse	Rock cod
Kelpfish (hiwihiwi)	Sandager's wrasse
Long-finned boarfish	Scarlet wrasse
Marblefish	Silver drummer
Notch-headed marblefish	Splendid perch
	Toadstool groper

Regulation 20E was inserted by regulation 14 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

21 Taking of rock lobster prohibited near North Cape light

- No commercial fisher shall take any rock lobster from those waters lying to the north-east of the North Island bounded by a line commencing at the North Cape light (at 34°24.90'S and 173°03.00'E) and proceeding northerly along the 173°03.00' East meridian of longitude to its intersection with the 34°20.00' South parallel of latitude; then easterly along that parallel of latitude to its intersection with the 173°09.00' East meridian of longitude; then southerly along that meridian of longitude to its intersection with the 34°28.00' South parallel of latitude, then westerly to its intersection with the 173°03.00' East meridian of longitude; then northerly along that meridian of longitude to the point of commencement at the North Cape light.

Regulation 21: substituted, on 1 April 2008, by regulation 6 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2008 (SR 2008/25).

Regulation 21 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words "commercial fisher" for the words "commercial fisherman".

22 Taking of scallops

- (1) No commercial fisher shall at any time take any scallops from the following waters, or be in possession of any scallops taken from those waters:
 - (a) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southern most extremity of North Head (at 36°23.8'S and 174°03'E) to Pukitu on the South Head of the harbour (at 36°30'S and 174°12.65'E):
 - (b) *Hokianga Harbour*: The waters of Hokianga Harbour lying inside a straight line drawn from the north head of the harbour (at 35°31.50'S and 173°21.45'E) to the south head of the harbour (at 35°32.20'S and 173°22.30'E):
 - (c) *Whangape Harbour*: The waters of Whangape Harbour lying inside a straight line drawn from the north head of the harbour (at 35°22.5'S and 173°13.10'E) to the south head of the harbour (at 35°22.75'S and 173°13.25'E):
 - (d) *Herekino Harbour*: The waters of Herekino Harbour lying inside a straight line drawn from the north head of the harbour (at 35°17.70'S and 173°09.90'E) to the south head of the harbour (at 35°17.95'S and 173°09.50'E):
 - (e) *Parengarenga Harbour*: The waters of Parengarenga Harbour lying inside a straight line drawn from the northeasternmost extremity of the Kokota Peninsula (at

- 34°32.00'S and 172°59.40'E) in a northeasterly direction to the easternmost extremity of Ohao Point (otherwise known as Coal Point) (at 34°30.65'S and 173°00.40'E):
- (f) *Houhora Harbour*: The waters of Houhora Harbour lying inside a straight line drawn from the east head of the harbour (at 34°49.70'S and 173°10.00'E) to the west head of the harbour (at 34°49.60'S and 173°09.10'E):
 - (g) *Rangaunu Harbour*: The waters of Rangaunu Harbour lying inside a straight line drawn from Blackney Point (at 34°51.70'S and 173°17.20'E) to Otiaia Point (at 34°53.80'S and 173°16.80'E):
 - (h) *Doubtless Bay*: The waters of Doubtless Bay lying within one half nautical mile of MHW mark from the easternmost extremity of Knuckle Point (at 34°51.20'S and 173°28.00'E) to the northernmost extremity of Berghan Point (at 34°54.85'S and 173°33.40'E) and including all of Mangonui Harbour:
 - (i) *Whangaroa Harbour*: The waters of the Whangaroa Harbour lying on the landward side of a straight line drawn from the White Beacon on the south head of the harbour (at 35°00.40'S and 173°45.70'E) to the northeastern extremity of the north head of the harbour (at 35°00.20'S and 173°45.70'E):
 - (j) *Bay of Islands*: The waters of the Bay of Islands lying inside a line commencing at the easternmost point of Cape Wiwiki (at 35°09.40'S and 174°07.70'E); then in a straight line to the northern extremity of Red Head (at 35°11.90'S and 174°12.45'E); then in a straight line in a north-easterly direction to the northern extremity of Cape Brett (at 35°10.45'S and 174°20.05'E):
 - (k) *Whangaruru Harbour*: The waters of Whangaruru Harbour lying inside a line commencing at the westernmost extremity of Cape Home (at 35°22.60'S and 174°22.50'E) on the northern side of the entrance of the harbour; then in a straight line in a south-westerly direction to the easternmost extremity of Henry Island (at 35°23.10'S and 174°22.35'E); then through the easternmost extremity of Nops Island (at 35°24.40'S and 174°21.80'E); then in a straight line to the shore on the southern side of the harbour (at 35°24.40'S and 174°21.30'E):
 - (l) *Whananaki Estuary*: The waters of Whananaki Estuary lying inside a straight line drawn from the southernmost extremity of Motutara Point (at 35°31.20'S and 174°28.50'E) in a westerly direction to the easternmost extremity of the southern head of the estuary entrance (at 35°30.90'S and 174°28.10'E):
 - (m) *Tutukaka Harbour*: The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head (at 35°36.90'S and 174°32.40'E) in a southwesterly direction through the Rocky Islets to the headland on the southern side of the entrance (at 35°37.20'S and 174°32.40'E) to the harbour:
 - (n) *Ngunguru Estuary*: The waters of Ngunguru Estuary lying inside a straight line drawn from the northern entrance of the estuary (at 35°38.30'S and 174°31.40'E) to the southern entrance of the estuary (at 35°37.90'S and 174°30.80'E):
 - (o) *Pataua Estuary*: The waters of Pataua Estuary lying inside a straight line drawn from the northern entrance of the estuary (at 35°42.90'S and 174°31.50'E) to the southern entrance of the estuary (at 35°43.00'S and 174°31.30'E):
 - (p) *Whangarei Harbour*: The waters of Whangarei Harbour lying inside a straight line drawn from the southern westernmost extremity of Peach Cove (at 35°51.75'S and 174°33.40'E) to the southernmost extremity of Busby Head (at 35°51.80'S and 174°31.90'E) to the northern chimney of the Marsden Power Station (at 35°52.50'S and 174°28.10'E):
 - (q) *Port Abercrombie and Port Fitzroy*: The waters of and adjacent to Port Abercrombie and Port Fitzroy in Great Barrier Island lying inside a line drawn from Wellington Head (at 36°09.80'S and 175°16.90'E) to the northwesternmost point of Okokewa Island (at 36°08.60'S and 175°18.40'E); then by a straight line to the nearest point of the mainland of Great Barrier Island (at 36°08.50'S and 175°18.55'E); and lying inside a line drawn from the northeasternmost point of Motukaka Island (at 36°09.90'S and 175°17.60'E) to the northwesternmost point of Nelson Island (at 36°10.00'S and 175°17.80'E); then from the southeasternmost point of Nelson Island

(at 36°10.10'S and 175°18.10'E) to the northwesternmost point of Kaikoura Island (at 36°10.15'S and 175°18.20'E); and lying inside a straight line drawn across Man'o'War Passage at its narrowest point (from 36°11.35'S and 175°19.50'E to 36°11.40'S and 175°19.50'E):

- (r) *Tryphena Harbour and Schooner Bay*: The waters of Tryphena Harbour and Schooner Bay lying inside a straight line from Shag Point (at 36°18.70'S and 175°26.60'E) to Tryphena Point (at 36°19.25'S and 175°28.75'E):
- (s) *Whangaparapara Harbour*: The waters of Whangaparapara Harbour lying inside a straight line from Lighthouse Point (at 36°15.25'S and 175°23.60'E) to Beacon Point (at 36°15.75'S and 175°23.90'E):
- (t) *Port Charles*: The waters of Port Charles lying inside a straight line from Long Point (at 36°30.3'S and 175°26.60'E) to the easternmost point of Port Charles (at 36°30.5'S and 175°28.50'E):
- (u) *Kennedy Bay*: The waters of Kennedy Bay lying inside a straight line commencing at 36°40.00'S and 175°35.05'E (which is half a nautical mile north of the southernmost extremity of the northern entrance of Kennedy Bay) drawn in a southeasterly direction to the northernmost extremity of Anarake Point (at 36°41.10'S and 175°36.30'E):
- (v) *Whangapoua Harbour*: The waters of Whangapoua Harbour lying inshore of a line drawn from Te Rehutae (at 36°43.45'S and 175°37.60'E) to Omaro Spit (at 36°43.60'S and 175°37.70'E):
- (w) *Mercury Bay*: The waters of Mercury Bay lying inside a line commencing at the northernmost extremity of Motukoranga Island (at 36°44.70'S and 175°49.20'E); thence to the nearest point of mainland (at 36°44.65'S and 175°49.10'E); thence from the southernmost extremity of Motukoranga Island (at 36°44.90'S and 175°49.25'E); thence to the northeasternmost extremity of Te Tui Island (otherwise known as Mahurangi Island) (at 36°49.65'S and 175°49.30'E); thence to the easternmost extremity of Hereheretaura Point (at 36°50.60'S and 175°49.10'E):
- (x) *Whangamata Harbour*: The waters of Whangamata Harbour and the part of the adjacent sea lying within a radius of 3 nautical miles from the southernmost extremity of the northern head at the mouth of the Whangamata Harbour (at 37°12.30'S and 175°53.00'E):
- (y) *Inner Hauraki Gulf*: The waters of the Hauraki Gulf lying inside a straight line drawn from the easternmost tip of Tawharanui Peninsula (at 36°22.20'S and 174°52.10'E) to the easternmost point of Tiritiri Matangi Island (at 36°36.60'S and 174°54.00'E); thence to the northernmost point of Rakino Island (at 36°42.70'S and 174°56.70'E); thence by a straight line from the southwestern point of Rakino Island (at 36°43.80'S and 174°56.70'E) to Thumb Point on Waiheke Island (at 36°44.45'S and 175°10.40'E); thence by straight line from the headland on Waiheke Island at 36°46.80'S and 175°11.55'E to the northernmost point of Pakatoa Island (at 36°47.60'S and 175°11.45'E); thence by straight line from the southernmost point of Pakatoa Island (at 36°48.20'S and 175°11.70'E) to the northernmost point of Rotoroa Island (at 36°48.55'S and 175°11.80'E); thence by straight line from the southernmost point of Rotoroa Island (at 36°49.60'S and 175°11.90'E) to the northeastern most point of Ponui Island (at 36°50.20'S and 175°12.80'E); thence by straight line from the northern end of Second Bay on Ponui Island (at 36°53.90'S and 175°12.00'E) to the northernmost end of Wilsons Bay on Coromandel Peninsula (at 36°53.30'S and 175°25.30'E); thence by straight line from Deadmans Point (at 36°51.40'S and 175°24.40'E) to the southwesternmost point of Motuoruhi Island (at 36°44.60'S and 175°23.80'E); thence to the northernmost point of Motukahaua Island (at 36°39.30'S and 175°22.55'E); thence to Turipeka Point on the Coromandel Peninsula (at 36°36.50'S and 175°25.65'E):
- (z) *Manukau Harbour*: The waters of Manukau Harbour lying inside a straight line drawn from the signal staff on the south head (at 37°03.17'S and 174°32.65'E) to the easternmost extremity of Paratutai Island (at 37°02.9'S and 174°30.73'E).

- (za) *Omaha Bay*: The waters lying inside a line beginning at the mean high-water mark at the western limit of the Tawharanui Peninsula closed fishing area (at 36° 21.80'S and 174° 49.30'E); then in a 0.5 nautical mile straight line in a generally north-easterly direction to a position at the north-westernmost point of the Tawharanui Peninsula closed fishing area (at 36° 21.40'S and 174° 49.60'E); then by a straight line in a generally north-westerly direction to the northern headland of Omaha Cove (at 36° 17.50'S) and 174° 49.00'E); then in a generally south-westerly direction along the mean high-water mark of Omaha Bay to Ti Point (at 36° 19.20'S and 174° 47.04'E); then in a straight line across the Whangateau Harbour entrance in a westerly direction to Te Tamutu Point (at 36° 19.23'S and 174° 46.70'E); then along the mean high-water mark to the point of commencement:
- (zb) *Blind Bay*: The waters lying inside a straight line beginning at a point on the north-west side of Blind Bay, Great Barrier Island (at 36° 16.10'S and 175° 25.28'E); then in a south-easterly direction to a point on the south-east side of Blind Bay (at 36° 16.43'S and 175° 26.00'E); then along the mean high-water mark to the point of commencement:
- (zc) *Hooks Bay*: The waters lying inside a line beginning at the mean high water mark at Thumb Point, Waiheke Island (at 36° 44.42'S and 175° 10.45'E); then in a straight line in a south-easterly direction to the easternmost point of Hooks Bay (at 36° 45.21'S and 175° 11.60'E); then in a generally westerly and then northerly direction along the mean high-water mark to the point of commencement:
- (zd) *Waiheke Island*: The waters lying inside a line beginning at the mean high-water mark at Kauri Point on Waiheke Island (at 36° 46.00'S and 175° 12.16'E); then along the mean high-water mark in a generally south-westerly direction to the headland on Waiheke Island (at 36° 46.80'S and 175° 11.55'E); then in a straight line in a generally southerly direction to the northernmost point of Pakatoa Island (at 36° 47.60'S and 175° 11.45'E); then along the mean high-water mark to the southernmost point of Pakatoa Island (at 36° 48.20'S and 175° 11.70'E); then in a straight line in a generally southerly direction to the northernmost point of Rotoroa Island (at 36° 48.55'S and 175° 11.80'E); then along the mean high-water mark to the southernmost point of Rotoroa Island (at 36° 49.60'S and 175° 11.90'E); then in a straight line in a generally southerly direction to the north-easternmost point of Ponui Island (at 36° 50.20'S and 175° 12.80'E); then in a straight line in a generally northerly direction back to the point of commencement:
- (ze) *Great Mercury Island*: The waters lying inside a line beginning at the mean high-water mark at the westernmost point of Maunganui Point (at 36° 36.23'S and 175° 45.56'E); then in a straight line in a southerly direction to the rock known as The Sister (at 36° 36.74'S and 175° 45.55'E); then in a straight line in a generally south-easterly direction to intersect with the mean high-water mark at Great Mercury Island (at 36° 37.01'S and 175° 47.20'E); then in a generally north-westerly direction along the mean high-water mark of Great Mercury Island, continuing to follow the mean high-water mark within the waters of the Huruhi Harbour itself to the point of commencement:
- (zf) *Otama Bay*: The waters lying inside a line beginning at the mean high-water mark at the northernmost point of Kauwera Point (at 36° 41.59'S and 175° 46.97'E); then in a straight line in a generally south-westerly direction to a position at the northernmost point of Otama Beach (at 36° 42.11'S and 175° 46.42'E); then in a straight line in a generally southwesterly direction to the northernmost point of Motuhua Point (at 36° 42.45'S and 175° 44.45'E); then in a generally north-easterly direction along the mean high-water mark of Otama Beach to the point of commencement:
- (zg) *Opito Bay*: The waters lying inside a line beginning at the mean high-water mark at the northernmost point of Opito Point (at 36° 43.10'S and 175° 49.09'E); then in a straight line in a generally northerly direction to a position at the westernmost point of Rabbit Island (at 36° 42.96'S and 175° 49.00'E); then in a straight line in a generally north-westerly direction to the Mahinapua Rocks (at 36° 42.40'S and 175° 47.56'E);

then in a straight line in a due westerly direction to the mean high-water mark at Opito Beach (at 36° 42.40'S and 175° 47.43'S); then following the mean high-water mark in a generally south-easterly direction to the point of commencement:

- (zh) *Tairua*: The waters inside an area defined by a line beginning at the mean high-water mark at the northernmost point of Storm Beach (at 37° 02.65'S and 175° 53.22'E); then in a straight line in a generally easterly direction to a position at the southernmost point of Home Bay (at 37° 03.10'S and 175° 56.05'E); then by a straight line in a generally northerly direction to Big King Rock (at 36° 59.95'S and 175° 55.38'E); then in a straight line in a generally north-westerly direction to the mean high-water mark at Te Ororoa Point (at 36° 56.80'S and 175° 51.40'S); then following the mean high-water mark in a southerly direction to the southernmost point of land near Te Huruuru Point (at 37° 00.45'S and 175° 52.00'E); then across the mouth of the Tairua Harbour to the northernmost point of land on the southern harbour headland (at 37° 00.50'S and 175° 51.70'E); then following the mean high-water mark in a generally southerly direction to the point of commencement:
- (zi) *Bowentown*: The waters inside an area defined by a line beginning at the mean high-water mark at the northern headland of Bowentown Heads, Tauranga Harbour (at 37° 28.00'S and 175° 59.47'E); then following the mean high-water mark to Papatu Point (at 37° 28.25'S and 175° 59.15'E); then in a generally southerly direction to the northernmost point of Matakana Island (37° 28.46'S and 175° 59.12'E); then along the mean high-water mark of Matakana Island on its easterly side to a point 3 nautical miles distant from the northern headland of Bowentown Heads (at 37° 28.00'S and 175° 59.47'E); then by a line proceeding in an arc, every point of which is 3 nautical miles seaward of the northern headland of Bowentown Heads, until the line reaches the mean high-water mark south of Waihi Beach; then in a generally south-easterly direction along the mean high-water mark to the point of commencement:
- (zj) *Motiti Island*: The waters lying inside a line every point of which is 1 nautical mile from the mean high-water mark on Motiti Island in the Bay of Plenty, including, at the southern end of that island, those waters within 1 nautical mile of the unnamed rock (at 176° 24.31'E and 37° 39.35'S) and the Matatapu Rocks (at 176° s24.96'E and 37° 39.44'S):
- (zk) *Mount Maunganui-Papamoa*: The waters lying within 1 nautical mile of the mean high-water mark on that part of the shore of the Bay of Plenty that commences at the northernmost point of Mount Maunganui (at 37° 37.62'S and 176° 10.38'E); then in a straight line due north to a point 1 nautical mile directly out to sea; then in a generally south-easterly direction by a line, every point of which is 1 nautical mile from the mean high-water mark, to a point 1 nautical mile due north of the northernmost point of Okurei Point (Town Point) (at 37° 44.60'S and 176° 28.08'E) then following the mean high-water mark in a generally westerly direction back to the point of commencement.
- (zl) *Spirits Bay – Tom Bowling Bay*: The waters within the area defined by a line commencing at the point at 34°22.0'S and 172°40.0'E; then proceeding by a straight line in a northerly direction to the point at 34°18.5'S and 172°40.0'E; then proceeding by a straight line in an easterly direction to the point at intersection with the 100-metre depth contour line (as shown on Chart NZ41) at 34°18.5'S and 172°53.1'E; then proceeding in a generally south-easterly direction along the 100-metre depth contour line (as shown on Chart NZ41) to the point at 34°22.3'S and 173°2.7'E; then proceeding by a straight line in a southerly direction to the point at intersection with the 50-metre depth contour line (as shown on Chart NZ41) at 34°23.6'S and 173°2.7'E; then proceeding in a generally westerly direction along the 50-metre depth contour line (as shown on Chart NZ41) to the point at 34°23.0'S and 172°53.6'E; then proceeding by a straight line in a northerly direction to the point at 34°22.7'S and 172°53.6'E; then proceeding by a straight line in a westerly direction to the point at 34°22.7'S and 172°45.3'E; then proceeding by a straight line in a northerly direction

to the point at 34°22.0'S and 172°45.3'E; then proceeding by a straight line in a westerly direction to the point of commencement.

(2) Subject to subclause (3) of this regulation, no commercial fisher shall take any scallops from the fishery known as the Coromandel Scallop Fishery except during those daylight hours of any day commencing 1 hour before sunrise and ending 1 hour after sunset.

(3) No commercial fisher shall take any scallops from the Coromandel Scallop Fishery during the period commencing 1 hour after sunset on any Thursday and ending 1 hour before sunrise on the following Sunday.

(4) No commercial fisher shall take any scallops from the Coromandel Scallop Fishery except during the open season for that fishery; and, for the purposes of this subclause, the open season for that fishery shall in any year commence 1 hour before sunrise on the 15th day of July and end 1 hour after sunset on the 21st day of December.

(5) No commercial fisher shall take any scallops from any waters of quota management area 1 or quota management area 9 that are not waters within the Coromandel Scallop Fishery other than between the hours of 6am and 6pm on any day.

Regulations 22 and 22A were inserted by regulation 7 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Regulation 22 was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1)(p) was substituted by regulation 15(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279).

Subclause (1)(y) was amended by regulation 15(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) by substituting the expression “Deadmans Point (at 36°51.40'S and 175°24.40'E)” for the expression “Deadmans Point (at 36°51.20'S and 175°24.60'E)”.

Subclause (1)(za) to (zk) were inserted, as from 16 July 1999, by clause 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 1999 (1999 No 220).

Subclause (1)(zl) was inserted, as from 11 November 1999, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 1999 (SR 1999/343).

Subclause (4) was amended by regulation 12 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 5 (SR 1991/161) by substituting the words “15th day of July and end 1 hour after sunset on the 21st day of December” for the words “first Sunday after the 14th day of July and end 1 hour after sunset on the last Tuesday before the 25th day of December”.

22A Restrictions on the taking of shellfish

- [Revoked]

Regulation 22A was inserted by regulation 7 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Subclause (1) was amended, as from 31 July 1992, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1992/210) by omitting from the table the item “Scallops”.

Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (1) was amended, as from 2 October 2003, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/223) by omitting from the table the item relating to kina.

Subclause (1) was amended, as from 1 October 2004, by regulation 5(1) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280) by omitting from the table the item relating to mussels.

Subclause (2) was amended, as from 31 July 1992, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 6 (SR 1992/210) by substituting the word “It” for the words “Notwithstanding subclause (1) of this regulation, it”.

Subclause (2) was revoked, as from 1 April 1997, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1997 (SR 1997/28).

Subclause (3) was inserted, as from 1 October 2002, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2002 (SR 2002/274).

Subclause (4) was inserted, as from 1 October 2004, by regulation 5(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280).

Regulation 22A was revoked, as from 5 January 2006, by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313).

22B Size limit on scallops taken from Coromandel Scallop Fishery

- (1) No commercial fisher shall—
 - (a) Take from the Coromandel Scallop Fishery any scallop the shell of which, whether entire, chipped, or broken, is less than 90 mm in length; or
 - (b) Be in possession of any scallop which has been taken from the Coromandel Scallop Fishery and which has a shell that, whether entire, chipped, or broken, is less than 90 mm in length.
- (2) For the purposes of subclause (1) of this regulation, the greatest diameter of the shell of a scallop is its length.
- (3) Nothing in regulation 32(1) of the Fisheries (Commercial Fishing) Regulations 2001 shall apply in relation to any scallop taken from the Coromandel Scallop Fishery.

Regulation 22B was inserted, as from 11 August 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 10 (SR 1995/159).

Subclause (1) was amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”.

Subclause (3) was amended, as from 1 October 2001, by regulation 9 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “regulation 32(1) of the Fisheries (Commercial Fishing) Regulations 2001” for the words “regulation 22(1) of the Fisheries (Commercial Fishing) Regulations 1986”.

22C Restriction on taking kina other than by hand-gathering

- No commercial fisher may take any kina from the waters of SUR1A, SUR1B, or SUR9, for the purpose of sale, by any means other than hand-gathering.

Regulation 22C was inserted, as from 2 October 2003, by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/223).

23 All methods prohibited in certain waters

- (1) No commercial fisher may take fish or seaweed by any fishing method, or be in possession of fish or seaweed taken, from the following waters:
 - (a) Tawharanui Peninsula: the waters lying on the northern side of Tawharanui Peninsula inside an area enclosed by—
 - (i) a straight line drawn from a point 36°21.8'S and 174°49.3'E in a northerly direction to a point 36°21.4'S and 174°49.6'E; then
 - (ii) in a generally easterly direction, a line every point of which is one-half nautical mile from the mean high-water mark to a point 36°21.3'S and 174°51.7'E; then
 - (iii) a straight line due South to the point of commencement:
 - (b) Mimiwhangata Peninsula: as described in Schedule 3:
 - (c) Tauranga Harbour: the waters of Tauranga Harbour, which lie south of the Tauranga-Taneatua railway bridge (at 37°41.33'S and 176°10.23'E to 37°41.22'S and 176°10.5'E).
- (2) No commercial fisher may take aquatic life by any fishing method, or be in possession of aquatic life taken, from the following waters:
 - (a) Taharoa lakes: the interconnected lakes Taharoa (at NZMS 260-R16, 625360), Numiti and Rotoroa, and Lake Harihari (NZMS 260-R16, 610310):
 - (b) the Motu River catchment: as described in Schedule 4.

Subclauses (1), (2), and (5) were amended, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264) by substituting the words “commercial fisher” for the words “commercial fisherman”. Subclause (6) was inserted, as from 22 June 2000, by clause 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing Amendment Regulations 2000 (SR 2000/78). Regulation 23 was substituted, as from 13 January 2005, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/455).

24 Offences

- (1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person acts in contravention of, or fails to comply with, any of regulations 4A to 4E, 4G, 5A to 5C, 7, 9, 10, 14, 18, or 22C.
- (2) A person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 if the person acts in contravention of, or fails to comply with, any of regulations 2A to 4, 4F, 5, 5F, 6, 8, 10A to 10C, 11 to 13, 15, 15A, 16, 17, 18A to 20B, 20E, 21, 22, 22B, or 23.

Subclause (1) was amended by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/251) by inserting the expressions “2A,” and “20A,”.

Subclause (1) was amended by regulation 3(2) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 2 (SR 1988/5) by also inserting the expressions “20A,”. That amendment was revoked by regulation 9(b) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291).

Subclause (1) was amended by regulation 8 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1989/291) by inserting the expression “20B, 20C,”.

Subclause (1) was amended, as from 11 August 1995, by regulation 3 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 10 (SR 1995/158) by inserting the expression “22B,”.

Subclause (1) was amended, as from 10 May 2001, by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2001 (SR 2001/65) by inserting, after the expression “2A,” the expression “2B,”.

Regulation 24 was substituted, as from 1 October 2001, by regulation 8 Fisheries (Auckland And Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

Subclause (1) was amended, as from 2 October 2003, by regulation 6 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2003 (SR 2003/223) by substituting the expression “22A, or 22C” for the expression “or 22A”.

Subclause (1) was amended, as from 1 October 2004, by regulation 6 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/280) by omitting the expression “5E,”.

Subclause (1) was amended, as from 5 January 2006, by regulation 6 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005 (SR 2005/313) by omitting the expression “22A,”.

Regulation 24(2): amended, on 1 October 2008, by regulation 9 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2008 (SR 2008/267).

25 Revocation

- The Fisheries (Auckland Commercial Fishing Restrictions) Notice 1985 (SR 1985/141) is hereby revoked.

Schedule 1
Auckland Fisheries area

The following areas together comprise the Auckland Fisheries Area:

Area	Description
Area 005	<p>Those waters lying inside a line drawn from Bream Tail (at 36°03'S and 174°35.3'E) to Needles Point (at 36°01.7'S and 175°24.4'E); then by a straight line to the northern-most extremity of Great Barrier Island (at 36°02.6'S and 175°24.15'E); then around the mean high-water mark of the western coastline of Great Barrier Island to Cape Barrier (at 36°21.05'S and 175°31.4'E); then by a straight line to Cape Colville (at 36°28.3'S and 175°20.7'E); then by a straight line to Cape Rodney (at 36°16.8'S and 174°49.3'E); then by the mean high-water mark in a north-westerly direction to Bream Tail (at 36°03'S and 174°35.3'E).</p>
Area 006	<p>The waters of Hauraki Gulf lying inside the straight line drawn from the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175° 52.05'E) to Slater Point (at 36°24.6'S and 174°52.2'E) on Kawau Island; then by the mean high-water mark on the eastern side of Kawau Island to Kawau Point (at 36°27.1'S and 174° 52.6'E); then by a straight line to the lighthouse on Tiritiri Matangi Island (at 36°36.4'S and 174°53.85'E); then by a straight line to Thumb Point (at 36°44.4'S and 175°10.3'E) on Waiheke Island; then by a straight line to the western extremity of Motuoruhi Island (at 36°44.6'S and 175°23.8'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to Tokotarea Point (at 36°36.75'S and 175°26.2'E) at the northern entrance to Colville Bay; then by the mean high-water mark in a north-westerly direction to Cape Colville (at 36°28.3'S and 175°20.7'E); then by a straight line to Cape Rodney (at 36°16.8'S and 174°47.3'E); then by the mean high-water mark in a southerly direction to the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175°52.05'E).</p>
Area 007	<p>The waters of Hauraki Gulf and the Firth of Thames lying inside a straight line drawn from the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175°52.05'E) to Slater Point (at 36°24.6'S and 174°52.2'E) on Kawau Island; then around the mean high-water mark to Kawau Point (at 36°27.1'S and 174°52.6'E); then by a straight line to the lighthouse on Tiritiri Matangi Island (at 36°36.4'S and 174°53.85'E); then by a straight line to Thumb Point (at 36°44.4'S and 175°10.3'E) on Waiheke Island; then by a straight line to the western extremity of Motuoruhi Island (at 36°44.6'S and 175°23.8'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to Tokotarea Point (at 36°36.75'S and 175°26.2'E) at the northern entrance to Colville Bay; then by the mean high-water mark around the coast of the mainland back to the easternmost point of Tawharanui Peninsula (at 36°22.2'S and 175°52.05'E)</p>

Schedule 2

Reg 12(4), (5)

Schedule 2 was inserted, as from 15 July 1999, by regulation 4 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1999 (SR 1999/178).

1

Permit holders allowed to take fish commercially using drag net in Tauranga Harbour

Permit Holder	Client Number
Lockett, Roderick Owen	8431437
Mikaere, Ken	8431664
Parrott, William Harry Boyd	8431877
Wall, Murray John	8432543
Churcher, Perry James	8432998
Gread, Stephen Scott & Gread, Susan Ann	8730112
Kiddie, Brian George	9130059

Permit Holder	Client Number
Murray, David & Jacobs, Christopher & Nathan, Ross & Johnson, Ted	9330009
Mikaere, Leon Phillip & Mikaere, Kevin Leo & Mikaere, Joyce Rena	9430022
Stephens, Isaac William and van Eyk, Tony Gerard	9430013

2

Permit holders allowed to take target species commercially using drag net in Tauranga Harbour

Permit Holder	Target Species	Client Number
Clark, Michael David	Garfish	8410438

Schedule 3 r 23(1)(b)
Mimiwhangata Peninsula

Schedules 3 and 4 were inserted, as from 13 January 2005, by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/455).

The Mimiwhangata Peninsula comprises the area of water adjacent to Paparahi Point and Rimariki Island on the east coast of the North Auckland Land District, enclosed by a line—

- (1) commencing at the mean high-water mark of the sea at the western extremity of Lot 1, DP 89739, North Auckland Land District, being approximately latitude 35°26.08'S and longitude 174°23.08'E and proceeding due North for a distance of 1 000 m; then
- (2) proceeding initially in a generally easterly direction to a point 1 000 m due North of Ngataurau Rock; then
- (3) proceeding to a point 1 000 m due North of the northern extremity of Rimariki Island; then
- (4) proceeding in a south-easterly direction to a point 1 000 m due East of Motuwharariki Island; then
- (5) proceeding in a generally south-westerly direction to a point 1 000 m due East of the eastern extremity of Otawhanga Island; then
- (6) proceeding to a point on a bearing of 59°02.67' and at a distance of 1 000 m from the south-eastern boundary of Te Ruatahi 2A Block; then
- (7) proceeding in a generally south-westerly direction to a point at the mean high-water mark of the sea at the south-eastern boundary of Te Ruatahi 2A Block being approximately latitude 35°27.75'S and longitude 174°25.91'E; then
- (8) proceeding along the line of the mean high-water mark initially in a northerly direction and proceeding along that mark to the point of commencement.

Schedule 4 r
Motu River catchment 23(2)(b)

Schedules 3 and 4 were inserted, as from 13 January 2005, by regulation 5 Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2004 (SR 2004/455).

The Motu River catchment comprises the waters of the Motu River catchment enclosed by a line—

- (1) commencing at the mean high-water mark at Tokata Point, eastern Bay of Plenty; then
- (2) proceeding in a generally easterly direction to a trig named Oariki 1315 (245 m); then
- (3) following the ridge lines and high points of approximately 556 m (Taurangakoau), 725 m, 995 m (near the headwaters of the Huaero Stream), 1 109 m, and 1 320 m, a trig named Puketauhinu (1 475 m), and the high point of 1 342 m (at the headwaters of the Mangatutara Stream); then
- (4) proceeding in a generally southerly and then westerly direction along the southern Mangatutara Stream ridge line passing near the high points of approximately 1 426 m (at the headwaters of the Mangatiko Stream), 1 387 m (near the headwaters of the Ruatahunga Stream), 1 246 m (adjacent to the western side of the Ruatahunga Stream), 1 253 m, and 1 170 m; then

- (5) proceeding in a generally southerly direction passing the headwaters of the Kahoka Stream and the headwaters of the Kokopumatara Stream; then
- (6) proceeding past the high point of Tamarere (approximately 1 325 m), to a trig named Arowhana (1 439 m); then
- (7) proceeding in a generally south-westerly direction to a trig numbered 8076 (at the headwaters of the Waimatau Stream), a trig named Pukekiore M9 (974 m), and a high point of approximately 945 m (to the east of a trig named Tuanuiotekahakaha); then
- (8) proceeding along a ridge line passing the headwaters of Whakamaria Stream, Te Kumukumu Stream, and Jacksons Stream, passing through a trig named Maungahaumi (approximately 1 213 m); then
- (9) continuing to follow the ridge line, proceeding in a generally westerly direction through a trig named K of approximately 1 006 m, and a trig named Matawai (approximately 964 m); then
- (10) crossing State Highway 2 at a point halfway between the localities of Matawai and Rakauoa (near Tawai), reaching a trig numbered 8843 of approximately 762 m; then
- (11) heading in a generally southerly direction to a trig numbered 137B (approximately 1 068 m), then a high point east of the locality Koranga named the Dome (approximately 1 021 m, at the headwaters of the Motu River); then
- (12) proceeding in a generally north-westerly and northerly direction along ridge lines and a high point of 753 m (adjacent to the Te Wera Road), a trig named O (approximately 1 018 m), high points of 815 m, 988 m (adjacent to Moanui Road), 957 m (previously known as Johnstone), and 962 m, crossing State Highway 2 at Traffords Hill, to a trig numbered 8841, a high point named Pokaikiri (925 m), trigs named O (907 m), Moutohora 149 (1 040 m), IIIA (738 m), Taumataokaretu 770 (796 m, approximately 2 km north of Motu Village), and Onukuroa (780 m); then
- (13) proceeding in a generally north-westerly direction along the part of the Motu Road, ridge lines, or high points passing the locality Whitikau to trigs named Papamoia 765 (787 m), Te Weraakauanga 626 (600 m, adjacent to the Motu Road), Te Pakora No 1 (826 m), a high point of 717 m, and around the headwaters of the Oiratiti Stream to a trig named Hoiaitakahu 525 (650 m); then
- (14) proceeding in an easterly direction around the headwaters of the Rawea Stream to a high point of approximately 620 m (adjacent to the Rurupori Stream); then
- (15) proceeding in a generally north-easterly direction along ridge lines to a trig numbered 7921 (707 m, to the east of a trig named Pukeiahonoa (701 m)); then
- (16) proceeding around the headwaters of the Pukuranui Stream to a trig named Puketoetoe 1313 (1 120 m), then to a high point named Pukehou (approximately 975 m) at the headwaters of the true left fork of the Manuriki Stream; then
- (17) proceeding in a generally north-westerly direction to high points Otaitapu (518 m) on the eastern side of the Hawaii River tributaries, Te Ipuhinu (381 m), and 247 m (at the headwaters of the Matawai Stream); then
- (18) following the high points to reach State Highway 35 (around the headwaters of the Houpoto Stream), then following State Highway 35 in a generally north-easterly direction to a trig named Parinui (224 m), before proceeding down to the mean high-water mark on the point at the northern end of Te Uritukituki Beach (at NZMS 260-X15, 106587); then
- (19) proceeding to the point of commencement, crossing the Motu River at its mouth.

P G MILLEN,
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 replace the Fisheries (Auckland Commercial Fishing Restrictions) Notice 1985 and continue many of the restrictions and controls. However, there are a number of new measures including—

- (a) The introduction of Danish seine gear restrictions in the Hauraki Gulf:
- (b) The closure of the area known as **The Puddle** to trawling and Danish seining:
- (c) The introduction of a seasonal fishing prohibition near the Motu River in the Bay of Plenty:
- (d) The imposition of controls on set net lengths in the Kaipara Harbour:
- (e) A seasonal prohibition on the use or possession on board any vessel of a trawl net with a mesh less than 125mm in the cod-end.
- (f) A prohibition on the taking or possession of spotted black groper.

These regulations should be considered in conjunction with the Fisheries (Commercial Fishing) Regulations 1986 (SR 1986/215) which impose prohibitions and controls of nationwide application.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 4 September 1986.