

Reprint as at 21 October 2004

Fisheries (Central Area Amateur Fishing) Regulations 1986

(SR 1986/223)

Paul Reeves, Governor-General

Order in Council

At Wellington this 2nd day of September 1986

Present:

The Right Hon G W R Palmer presiding in Council

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.

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Regulations

1 Title and commencement

(1) These regulations may be cited as the Fisheries (Central Area Amateur Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the Gazette.

## 2 Application

These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.

Regulation 2: substituted, on 15 July 1999, by regulation 2 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/180).

### 2A Interpretation

In these regulations, unless the context otherwise requires,---

Act means the Fisheries Act 1983 or the Fisheries Act 1996

blue cod means a fish of the species *Parapercis colias*

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

butterfish means a fish of the species *Odax pullus* or *Odax cyanoallix*

Central fishery management area means all that area of New Zealand fisheries waters enclosed by a line commencing at Cape Runaway on the east coast of the North Island (at 37° 32'S and 177° 59.4'E); then proceeding due north to a point at 33° 25'S and 177° 59.4'E; then proceeding in a generally south-easterly direction along the outer limits of the exclusive economic zone to its intersection with the 42° 10'S parallel of latitude; then proceeding due west along latitude 42° 10'S to a point at 42° 10'S and 174° 42'E; then proceeding in a straight line to a point at 40° 32'S and 174° 20'E; then proceeding in a straight line to a point on the outer limits of the exclusive economic zone at 37° 44'S and 169° 56'E; then proceeding in a generally northerly direction along the outer limits of the exclusive economic zone to a point at 37° 35'S and 170° 03'E; then proceeding in a straight line to Tirua Point on the west coast of the North Island (at 38° 23'S and 174° 38.5'E); then proceeding in a generally southerly, easterly, and northerly direction along the mean high-water mark of the coast of New Zealand to the point of commencement

elephantfish means a fish of the species *Callorhynchus milii*

flatfish means a fish of the species---

(a) sand flounder ("dab", "white", or "square" flounder) (*Rhombosolea plebeia*); or

(b) lemon sole (*Pelotretis flavilatus*); or

(c) New Zealand sole (*Peltorhampus novaezeelandiae*); or

(d) flounder (yellow belly) (*Rhombosolea leporina*); or

(e) black flounder (*Rhombosolea retiaria*); or

(f) greenblack flounder (*Rhombosolea tapirina*); or

(g) brill (*Colistium guntheri*); or

(h) turbot (*Colistium nudipinnis*)

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

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

John dory means a fish of the species *Zeus faber*

kahawai means a fish of the species *Arripis trutta*

kingfish means a fish of the species *Seriola lalandi*

parore means the fish that has the scientific name *Girella tricuspidata*

porae means the fish that has the scientific name *Nemadactylus douglasii*

red cod means a fish of the species *Pseudophycis bacchus*

red gurnard means a fish of the species *Chelidonichthys kumu*

red moki means a fish of the species *Cheilodactylus spectabilis*

red snapper means the fish that has the scientific name *Centroberyx affinis*

rig means a fish of the species *Mustelus lenticulatus*

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

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

set net includes a gill net or any other sort of net that acts by enmeshing, entrapping, or entangling any fish

snapper means a fish of the species *Chrysophrys auratus*

tarakihi means a fish of the species *Nemadactylus macropterus*

trevally means a fish of the species *Caranx georgianus*.

Regulation 2A: inserted, on 30 September 1993, by regulation 2 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/286).

Regulation 2A Act: inserted, on 15 July 1999, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/180).

Regulation 2A Central fishery management area: inserted, on 30 November 1995, by regulation 2 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1995/233).

Regulation 2A parore: inserted, on 1 October 2004, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 2A porae: inserted, on 1 October 2004, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 2A red snapper: inserted, on 1 October 2004, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 2A rock lobster pot: inserted, on 1 April 1996, by regulation 2 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1996/20).

### 3 Maori eel fishery at Lake Horowhenua and Hokio Stream

No person shall take any eel from Lake Horowhenua or the Hokio Stream (as defined in section 18 of the Reserves and Other Lands Disposal Act 1956) unless that person does so in the exercise of the fishing rights referred to in that section.

#### 3A Maximum daily number of fish

(1) Subclause (2) applies to fish of the following species:

Blue cod	Porae
Blue moki	Red cod
Bluenose	Red gurnard
Butterfish	Red moki
Elephant fish	Red snapper
Flatfish	Rig
Grey mullet	School shark
John dory	Tarakihi
Kahawai	Trevally.
Parore	

(2) No person may, on any day,---

(a) take from within the Central fishery management area more than 20 fish to which this subclause applies; or

(b) possess more than 20 such fish in that area; or

(c) possess more than 20 such fish taken from within that area.

(3) No person may, on any day,---

(a) take from within the Central fishery management area more than 10 snapper; or

(b) possess more than 10 snapper in that area; or

(c) possess more than 10 snapper taken from within that area.

(4) No person may, on any day,---

(a) take from within the Central fishery management area a total quantity of hapuku/bass and kingfish exceeding 5; or

(b) possess a total quantity of hapuku/bass and kingfish exceeding 5 in that area; or

(c) possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within that area.

(5) No person may, on any day,---

(a) take from within the Central fishery management area more than 3 kingfish; or

(b) possess more than 3 kingfish in that area; or

(c) possess more than 3 kingfish taken from within that area.

(6) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of fish, (as specified in this regulation), but not more than 3 times the daily limit.

(7) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of fish (as specified in this regulation).

Regulation 3A: substituted, on 15 July 1999, by regulation 4 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/180).

Regulation 3A(1) table Parore: item inserted, on 1 October 2004, by regulation 4 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 3A(1) table Porae: item inserted, on 1 October 2004, by regulation 4 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 3A(1) table Red snapper: item inserted, on 1 October 2004, by regulation 4 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 3A(6): added, on 1 October 2001, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/262).

Regulation 3A(7): added, on 1 October 2001, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/262).

### 3B Minimum set net mesh size

Notwithstanding regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, the mesh size of any set net used or possessed by any person in the Central fishery management area shall not be less than the appropriate size specified in the following table:

Species of fish	Minimum net mesh size (mm)
Blue moki	114
Bluenose	160
Hapuku/bass	160
Kahawai	100
Grey mullet	100
School shark	150

Regulation 3B: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/286).

3C Person and vessel limits on number of rock lobster pots in Gisborne, Hawke's Bay, and Wellington waters

Revoked.

Regulation 3C: revoked, on 1 October 2004, by regulation 5 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

### 4 Net restrictions at Wairoa Hard

No person shall use any net for taking finfish in the waters of Hawke Bay known as the Wairoa Hard, enclosed by a straight line commencing at the mouth of the Moeangiangi River at a point of 39° 14.9'S and 177° 01.4'E; then in a southerly direction to a point 39° 16.6'S and 177° 07.6'E; then in a northeasterly direction to a point 39° 11.3'S and 177° 21.2'E; then in a northwesterly direction to the Waihua River mouth at a point 39° 05.7'S and 177° 17.1'E; then along the mean high-water mark to the northernmost bank of the mouth of the Mohaka River; then along the mean high-water mark to the point of commencement.

#### 4A Set netting prohibited in Pauatahanui Inlet

No person may use a set net in the waters of Pauatahanui Inlet lying inside a line drawn from North End (at 41° 06.27'S and 174° 52.18'E) and South End (at 41° 06.33'S and 174° 52.18'E).

Regulation 4A: substituted, on 1 October 2004, by regulation 6 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

#### 4B Minimum size for snapper

Notwithstanding anything in regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986 (SR 1986/221), no person shall take any snapper from the Central fishery management area that is less than 27 cm in length, or be in possession of any snapper taken from within that area that is less than 27 cm in length.

Regulation 4B: inserted, on 30 November 1995, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1995/233).

## 5 Restrictions on fishing around Sugar Loaf Islands

(1) No person shall use any net or set line within the prescribed area.

(2) No person may use within the prescribed area any line having more than 3 hooks.

(3) No person shall take any fish within the conservation area other than kingfish or kahawai taken by trolling or by spearfishing.

(4) No person shall be in possession of any fishing gear within the prescribed area that is not permitted to be used in that area unless the gear is stowed or sealed in such a manner that it cannot readily be used for fishing.

(5) No person shall be in possession of any fishing gear within the conservation area that is not permitted to be used in that area unless the gear is stowed or sealed in such a manner that it cannot readily be used for fishing.

(6) For the purposes of this regulation---

(a) the expression prescribed area means the waters and islands bounded by a line commencing at the mean high-water mark drawn from a point 39° 04'19.75"S and 174° 01'10.85"E; then in a westerly direction to a point 39° 03'56.37"S and 173° 59'57.10"E; then along the line of an arc of 900 m radius from a point 39° 03'29.34"S and 174° 00'11.21"E on Waikaranga (Seal Rock) to a point 39° 03'10.69"S and 173° 59'42.41"E; in a line to a point 39° 02'31.90"S and 174° 00'23.72"E; then along the line of an arc of 900 m radius from a point 39° 02'50.54"S and 174° 00'52.51"E on Matumahanga (Saddleback Island) to a point 39° 02'28.42"S and 174° 01'16.93"E; then along a line from the navigation light on the lee breakwater of Port Taranaki at 39° 03'24.15"S and 174° 02'39.98"E to a point where this line intersects the northwestern boundary of the New Plymouth Roadstead extended; then to a point where the northwestern boundary of the New Plymouth Roadstead crosses the mean high-water mark in the vicinity of Paritutu; then in a southwesterly direction along the mean high-water mark to the point of commencement:

(b) the expression conservation area means that part of the prescribed area that is the area of New Zealand fishery waters enclosed by a circle of 500 m radius with a centre point at 39° 03'29.34"S and 174° 00'11.21"E on Waikaranga (Seal Rock):

(c) the expression trolling means line fishing using an artificial lure with the line being towed by a vessel making way.

## 5A Closed season for rock lobster

Revoked.

Regulation 5A: revoked, on 31 August 2002, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2002 (SR 2002/245).

## 5B Set netting prohibited within defined area of coast adjacent to Cape Runaway

No person shall use any set net within those waters defined by a line beginning at the mean high-water mark at Pitikirua Point (at approximately 37° 32.6'S and 178° 4.8'E); then proceeding in a straight line in a northerly direction to a position approximately 2 nautical miles from the point of commencement at 37° 30.6'S and 178° 4.8'E; then in a generally westerly direction by a line every point of which is 2 nautical miles from the mean high-water mark to a point approximately 2 nautical miles north of Cape Runaway (at 37° 30.3'S and 177° 59'E); then in a straight line in a southerly direction to the mean high-water mark at Cape Runaway (at approximately 37° 32.3'S and 177° 50'E); and then proceeding along the line of the mean high-water mark in a generally easterly direction to the point of commencement at Pitikirua Point (at approximately 37° 32.6'S and 178° 4.8'E).

Regulation 5B: inserted, on 24 October 1996, by regulation 2 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1996/274).

## 5C Set netting prohibited from Tirua Point to Pariokariwa Point

No person may use any set net in the waters lying within 4 nautical miles from the mean high-water mark that extends from Tirua Point (at 38° 23.40'S and 174° 38'E); then following a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Awakino River (at 38° 39.9'S and 174° 37.1'E); then in a straight line across the Awakino River to a point on the south bank of the Awakino River (at 38° 40.1'S and 174° 37'E); then following a line along the mean high-water mark to the southernmost point on the north bank of the Mokau River (at 38° 42.4'S and 174° 36.8'E); then in a straight line across the Mokau River to a point on the south bank of the Mokau River (at 38° 42.6'S and 174° 36.6'E); then following a line along the mean high-water mark to the north bank of the Tongaporutu River (at 39° 49'S and 174° 34'E); then in a straight line across the Tongaporutu River to a point on the south bank of the Tongaporutu River (at 38° 49.4'S and 174° 35'E); then following a line along the mean high-water mark to Pariokariwa Point (at 38° 53.50'S and 174° 30'E).

Regulation 5C: inserted, on 21 September 2001, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/279).

## 6 Offences and penalties

(1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 if the person contravenes, or fails to comply with,

any of regulations 3, 3A(6), 3B, 4, 4A, 4B, 5, or 5B.

(2) A person commits a serious non-commercial offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person contravenes, or fails to comply with, any of regulations 3A(7), 3C(2)(b), 3C(3)(b), or 5C.

(3) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.

Regulation 6: substituted, on 1 October 2001, by regulation 6 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/262).

Regulation 6: words omitted, on 1 October 2004, by regulation 7(a) of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004 (SR 2004/283).

Regulation 6(1): expression omitted, on 31 August 2002, by regulation 4(1) of the Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2002 (SR 2002/245).

Regulation 6(2): words substituted, on 15 January 2004, by regulation 3 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/378).

Regulation 6(2): words substituted, on 31 August 2002, by regulation 4(2) of the Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2002 (SR 2002/245).

## 7 Revocation

The Fisheries (Maori Eel Fisheries) Notice 1983 (SR 1983/298) is hereby revoked.

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P G Millen,

Clerk of the Executive Council.

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

Date of notification in Gazette: 4 September 1986.

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2 Status of reprints

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## Notes

### 1 General

This is a reprint of the Fisheries (Central Area Amateur Fishing) Regulations 1986. The reprint incorporates all the amendments to the Fisheries (Central Area Amateur Fishing) Regulations 1986 as at 21 October 2004, as specified in the list of amendments at the end of this reprint.

### 2 Status of reprints

Under section 29A of the Evidence Act 1908, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint. For an outline of editorial changes made in reprints, see below.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 How reprints are prepared

The following conventions are followed in the preparation of reprints generally, and they have been followed, where relevant, in the preparation of this reprint:

- o the enacting words have been omitted
- o provisions that have been repealed or revoked are omitted, but a note indicates the repealing enactment or revoking provision
- o footnotes are included to indicate where---
  - o words, phrases, or provisions have been inserted or substituted, the commencement date of the amendment, and the particular enactment responsible for the change
  - o references in a reprinted enactment to any repealed enactment have been replaced with a reference to any enactment that replaces, or corresponds to, the repealed enactment, in reliance on section 22(2) of the Interpretation Act 1999
- o any term used in a reprinted enactment that has been deemed, by

another enactment, to be read as if it were another term has been replaced by that other term

- o references in a reprinted enactment to amounts in pounds, shillings, and pence have been replaced by a reference to the equivalent amount in decimal currency (dollars and cents), in reliance on section 7 of the Decimal Currency Act 1964

- o where the principal enactment has made a textual amendment to another enactment, and the amendment has been incorporated in a reprint of that other enactment, the text of the amendment is not reprinted in full in the reprint

- o where a provision of an amending enactment has made a textual amendment to the principal enactment, the provision of the amending enactment is not reprinted.

#### 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would change the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current legislative drafting practice.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are as follows, and they have been followed, where relevant, in the preparation of this reprint:

- o unnecessary referential words (such as "of this section" and "of this Act") have been omitted

- o typeface and type size have been changed to accord with current drafting practice (Times Roman, generally in 11.5 point with 13.5 point leading)

- o the setting out of provisions has been changed to accord with current drafting practice. These changes include---

- o changes to the indenting and layout of provisions

- o the repositioning of section headings, so that the number and heading appear above the section

- o the reformatting of definitions, so that the defined term appears in bold type, without quotation marks

- o dates are expressed in a manner consistent with current drafting practice (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- o the date of assent has been repositioned so that it appears on the front page of each Act

- o punctuation is consistent with current drafting practice (eg, colons are not used after definitions)

- o Parts numbered with roman numerals have been replaced with arabic numerals, and all cross-references changed accordingly

- o the case and appearance of letters and words have been changed to accord with current drafting practice

- o headings have been reformatted (eg, headings where each word formerly appeared with an initial capital letter followed by small capitals have been changed so that the heading appears in bold, with only the first word (and any proper names) appearing with an initial capital)

- o letters appearing in small capitals in section and subsection references have been changed to capital letters (eg, "section 7a" is now expressed as "section 7A")

- o schedules have been renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references changed accordingly

- o running heads (the information that appears at the top of each page) have been altered to accord with current drafting practice.

Two-column schedules of consequential amendments, and schedules of repeals, have been reformatted, and rearranged into alphabetical order (rather than chronological), to accord with current drafting practice.

##### 5 List of amendments incorporated in this reprint (most recent first)

Fisheries (Central Area Amateur Fishing) Amendment Regulations 2004  
(SR 2004/283)

Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2003  
(SR 2003/378)

Fisheries (Central Area Amateur Fishing) Amendment Regulations 2003  
(SR 2003/22)

Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2002  
(SR 2002/245)

Fisheries (Central Area Amateur Fishing) Amendment Regulations 2002  
(SR 2002/164)

Fisheries (Central Area Amateur Fishing) Amendment Regulations (No 2) 2001  
(SR 2001/279)

Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001  
(SR 2001/262)

Fisheries (Central Area Amateur Fishing) Amendment Regulations 1999  
(SR 1999/180)

Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 5  
(SR 1996/274)

Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 4  
(SR 1996/20)

Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 3  
(SR 1995/233)

Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 2  
(SR 1993/286)

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The Fisheries (Central Area Amateur Fishing) Regulations 1986 are administered  
in the Ministry of Fisheries.