

**Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2)
2008**

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of August 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title
These regulations are the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008.
- 2 Commencement
These regulations come into force on 1 October 2008.
- 3 Principal regulations amended
These regulations amend the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986.
- 4 Interpretation
Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:
 - “*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”.

5 Set netting prohibited in defined areas

(1) Regulation 6C(1)(iii) is revoked and the following subparagraph substituted:

“(iii) *Maunganui Bluff–Tirua Point*: the waters lying within an area bounded by a line that extends from Maunganui Bluff (at 35°45.54’S and 173°33.30’E); then in a generally southerly direction by the mean high-water mark to Kaipara Harbour–Pouto Point light (at 36°21.76’S and 174°10.87’E); then by a straight line to Kaipara Harbour–South Head light (at 36°25.80’S and 174°14.20’E); then by the mean high-water mark to Lawry Point (at 36°59.31’S and 174°37.05’E) on the northern side of Manukau Harbour; then by a straight line to the Channel Marker No. 4 in Manukau Harbour (at 37°02.00’S and 174°42.10’E); then by a straight line to a point (at 37°04.04’S and 174°39.92’E); then by the mean high-water mark to a point on the northern side of the Waikato River (at 37°22.59’S and 174°43.94’E); then by a straight line to the jetty on the south head of the Waikato River (at 37°23.16’S and 174°43.94’E); then by the mean high-water mark to a point on the northern side of Raglan Harbour (at 37°47.74’S and 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) extending seaward due west 7 nautical miles from this line along the Auckland and Kermadec Fishery Management Area boundary to a point (at 38°21.80’S and 174°29.43’E), then proceeds in a northerly direction at a distance of 7 nautical miles from the mean high-water mark to a point 7 nautical miles due west from Maunganui Bluff (at 35°45.54’S and 173°22.78’E), then due east to Maunganui Bluff (at 35°45.54’S and 173°33.30’E):”.

(2) Regulation 6C(1)(iv) is revoked.

(3) Regulation 6C is amended by adding the following subclause as subclause (2):

“(2) For the purposes of the area defined in subclause (1)(1)(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.”

6 New regulation 6CA inserted

The following regulation is inserted after regulation 6C:

“6CA Drift net fishing prohibited in Port Waikato

“(1) A person 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 coordinates 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).”

7 Offences and penalties

(1) Regulation 11(1) is amended by omitting “6C(1)(iii) or (iv)” and substituting “6C(1)(1)(iii)”.

(2) Regulation 11(2) is amended by omitting “6C(1)(iii) or (iv)” and substituting “6C(1)(1)(iii) or 6CA”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 28 August 2008.
These regulations are administered by the Ministry of Fisheries.