

Fisheries (Auckland and Kermadec Areas Commercial 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.

Contents

- 1 Title
- 2 Commencement
- 3 Principal regulations amended
- 4 Interpretation
- 5 Trawling and Danish seining prohibited within 1 mile of west Auckland coast
- 6 Certain fishing methods prohibited in defined areas
- 7 New regulations 10B and 10C inserted
- 10B Trawl fishing prohibited in defined areas
- 10C Drift net fishing prohibited in Port Waikato
- 8 Set netting prohibited in defined areas
- 9 Offences

Regulations

- 1 Title
These regulations are the Fisheries (Auckland and Kermadec Areas Commercial 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 Commercial Fishing) Regulations 1986.
- 4 Interpretation
Regulation 2(1) 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 Trawling and Danish seining prohibited within 1 mile of west Auckland coast

- (1) The heading to regulation 3 is amended by omitting “**Trawling and**”.
- (2) Regulation 3 is amended by omitting “trawl net or”.

6 Certain fishing methods prohibited in defined areas

- (1) Regulation 10A(1)(a) is amended by omitting “Urawitiki Point (at 38°05.37’S and 174°46.22’E) to Tauratahi Point (at 38°05.19’S and 174°46.90’E)” and substituting “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)”.
- (2) Regulation 10A(1)(b) is amended by omitting “Potahi Point (at 38°00.50’S and 174°47.70’E) to the westernmost extremity of Kahua Point (at 38°02.20’S and 174°47.0’E)” and substituting “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)”.
- (3) Regulation 10A(1)(c) is amended by omitting “Rangitoto Point (at 37°48.08’S and 174°50.56’E) and to the southern point (at 37°48.33’S and 174°50.74’E)” and substituting “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)”.
- (4) Regulation 10A(1)(d) is amended by omitting “northern point (at 37°21.45’S and 174°41.51’E) to the southern point (at 37°21.85’S and 174°41.70’E)” and substituting “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)”.
- (5) Regulation 10A(1)(e) is amended by omitting “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°02.92’S and 174°30.50’E)” and substituting “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)”.
- (6) Regulation 10A(1)(f) is amended by omitting “North Head (at 36°23.80’S and 174°03.0’E) to Pukitu on the south head of the harbour (at 36°30.0’S and 174°12.65’E)” and substituting “north head (at 36°28.80’S and 174°03.00’E) to the south head of the harbour (at 36°23.80’S and 174°09.73’E)”.
- (7) Regulation 10A(1)(g) is amended by omitting “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°22.0’E)” and substituting “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)”.
- (8) Regulation 10A(1)(h) is amended by omitting “north head of the harbour (at 35°22.75’S and 173°13.0’E) to the south head of the harbour (at 35°23.10’S and 173°13.25’E)” and substituting “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)”.
- (9) Regulation 10A(1)(i) is amended by omitting “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°09.70’E)” and substituting “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)”.

7 New regulations 10B and 10C inserted

The following regulations are inserted after regulation 10A:

“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 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°17.64'S and 173°09.54'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 southerly 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 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 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 (at 37°03.20'S and 174°32.70'E); and

“(iii) then 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.

“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).”

8 Set netting prohibited in defined areas

(1) Subparagraph (iii) of regulation 15A(1) is revoked and the following subparagraph substituted:

“(iii) *Maunganui Bluff–Tirua Point*: the waters lying within 7 nautical miles to the seaward of a baseline commencing 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 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):”.

(2) Regulation 15A(1)(iv) is revoked.

(3) Regulation 15A 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.”

9 Offences

Regulation 24(2) is amended by omitting “10A” and substituting “10A to 10C”.

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.