

**Reprint
as at 20 November 2008**

**Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986
(SR 1986/222)**

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.

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1 Title and commencement

- (1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas 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 was substituted, as from 15 July 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/179).

3 Interpretation

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

Act means the Fisheries Act 1983 or the Fisheries Act 1996

Act: this definition was inserted, as from 15 July 1999, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/179).

Auckland and Kermadec Fishery Management Areas means the areas comprising the Auckland Fishery Management Area and the Kermadec Fishery Management Area

Auckland and Kermadec Fishery Management Areas: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

Auckland Fishery Management Area (East) means all New Zealand fisheries waters within that portion of the Auckland Fishery Management Area 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 33°25'S and 177°59.4'E on the outer boundary of the exclusive economic zone; then proceeding in a generally north-westerly direction along the outer boundary of the exclusive economic zone to a point 30°52.5'S and 173°02.5'E on the outer boundary of the exclusive economic zone; then proceeding due south to North Cape on the north coast of the North Island (at 34°24'S and 173°02.5'E); then proceeding in a generally south-easterly direction along the mean high-water mark to the point of commencement; and including all inland waters lying north of a line drawn from Cape Runaway on the east coast of the North Island (at 37°32'S and 177°59.4'E) to Tirua Point on the west coast of the North Island (at 38°23'S and 174°38.5'E)

Auckland Fishery Management Area (East): this definition was inserted, as from 13 October 1995, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1995/213).

Auckland fishery management area (west) means the area of New Zealand fisheries waters described as fishery management area 9—Auckland (West) in Part 1 of Schedule 1 of the Act
Auckland fishery management area (west): this definition was inserted, as from 1 March 2006, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/312).

Barracouta means the fish of which the scientific name is *Thyrsites atun*

Billfish means those fish of which the scientific names are *Tetrapturus audax*, *Tetrapturus angustirostris*, *Makaira indica*, *Istiophorus platypterus*, *Xiphias gladius*, or *Makaira nigricans*

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

Blue cod: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Blue maomao means the fish of which the scientific name is *Scorpius violaceus*

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

Blue moki: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

Butterfish: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

Fishing method means the way in which any fishing gear is operated to take fish or any other practice which is likely to result in taking fish

Flounder includes—

- (a) Sand flounder (“dab”, “white”, or “square” flounder) (*Rhombosolea plebeia*):
- (b) Lemon sole (*Pelotretis flavilatus*):
- (c) New Zealand sole (*Peltorhamphus novaezelandiae*):
- (d) Flounder (“yellow belly”) (*Rhombosolea leporina*):
- (e) Black flounder (*Rhombosolea retiaria*):
- (f) Greenback flounder (*Rhombosolea tapirina*):
- (g) Brill (*Colistium guntheri*):
- (h) Turbot (*Colistium nudipinnis*):

Garfish means the fish of which the scientific name is *Hyporhamphus ihi* (commonly known as piper)

Green mussel, or green-lipped mussel, means the shellfish of which the scientific name is *Perna canaliculus*

Green mussel: this definition was amended, as from 1 December 1998, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1998 (SR 1998/299) by inserting the words “, or **green-lipped mussel**,”.

Grey mullet means the fish of which the scientific name is *Mugil cephalus*

Gurnard means the fish of which the scientific name is *Chelidonichthys kumu*

Hand-gathering means the use of the hands to physically take fish; and includes shore picking, diving, and hand digging for shellfish

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

Hapuku bass: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

John dory: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Kahawai means the fish of which the scientific name is *Arripis trutta*

Kahawai: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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 of which the scientific name is *Evechinus chloroticus*, (commonly known as the sea egg); and includes the purple urchin, of which the scientific name is *Centrostephanus rodgersii*

Kingfish means the fish of which the scientific name is *Seriola lalandi*

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

Mackerel means those fish of which the scientific names are *Trachurus declivis*, *Trachurus novaezelandiae*, and *Scomber australasicus*

Maori has the same meaning as in the Maori Affairs Act 1953

Oyster includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*), and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster

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

parore: this definition was inserted, as from 1 October 2004, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282).

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

porae: this definition was inserted, as from 1 October 2004, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282).

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

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

Red cod, Red gurnard, and Red moki: these definitions were inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

Red cod, Red gurnard, and Red moki: these definitions were inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

Red cod, Red gurnard, and Red moki: these definitions were inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

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

red snapper: this definition was inserted, as from 1 October 2004, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282).

Rig means a fish of the species *Mustelus lenticulatus*

Rig: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Rock lobster means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster)

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

Rock lobster pot: this definition was inserted, as from 1 April 1996, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 7 (SR 1996/18).

Scallop means the mollusc *Pecten novaezelandiae*

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

School shark: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Set net includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish

Set Net: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1992/209).

Shark means those fish in the Class Chondrichthyes, commonly known as sharks and dogfish

Snapper means the fish of which the scientific name is *Chrysophrys auratus*

Snapper means a fish of the species *Chrysophrys auratus*

Snapper: this definition was inserted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Spear means any device or implement capable of puncturing the flesh or exoskeleton of any fish; but does not include any gaff or similar device used solely for landing fish

Spotted black groper means the fish of which the scientific name is *Epinephalus daemelii*

Tarakihi means the fish of which the scientific name is *Nemadactylus macropterus*

Trevally means the fish of which the scientific name is *Caranx georgianus*

Trolling means the process whereby a line is towed through, or on top of, the water

Tuatua means the mollusc *Paphies subtriangulata* and the mollusc *Paphies donacina* (commonly known as southern tuatua)

Tuna means the family of fish of which the scientific name is *Scrombridae*

Yellow-eyed mullet means the fish of which the scientific name is *Aldrichetta forsteri*.

Regulation 3 **drift net**: inserted, on 1 October 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

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 |
| John dory | School shark |
| Kahawai | Tarakihi |
| Parore | Trevally. |
- (2) No person may, on any day,—
 - (a) Take from within the Auckland and Kermadec Fishery Management Areas more than 20 fish to which this subclause applies; or
 - (b) Possess more than 20 such fish in those areas; or
 - (c) Possess more than 20 such fish taken from within those areas.
- (3) No person may, on any day,—
 - (a) Take from within the Auckland and Kermadec Fishery Management Areas more than 30 grey mullet; or
 - (b) Possess more than 30 grey mullet in those areas; or
 - (c) Possess more than 30 grey mullet taken from within those areas.
- (4) No person may, on any day,—
 - (a) Take from within the Auckland and Kermadec Fishery Management Areas a total quantity of hapuku/bass and kingfish exceeding 5; or
 - (b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in those areas; or
 - (c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within those areas.
- (5) No person may, on any day,—
 - (a) Take from within the Auckland and Kermadec Fishery Management Areas more than 3 kingfish; or
 - (b) Possess more than 3 kingfish in those areas; or
 - (c) Possess more than 3 kingfish taken from within those areas.
- (6) No person may, on any day,—
 - (a) Take from within the Auckland and Kermadec Fishery Management Areas more than 15 snapper; or
 - (b) Possess more than 15 snapper in those areas; or
 - (c) Possess more than 15 snapper taken from within those areas.
- (6A) No person may, on any day,—
 - (a) take from within the Auckland fishery management area (west) 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.
- (7) No person may, on any day,—

- (a) Take from within the Auckland Fishery Management Area (East) more than 9 snapper; or
- (b) Possess more than 9 snapper in that area; or
- (c) Possess more than 9 snapper taken from within that area.

(8) 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.

(9) 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).

Regulations 3A and 3B were inserted, as from 30 September 1993, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Subclause (1) was amended, as from 1 October 2004, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282) by inserting the items “Parore”, “Porae”, and “Red snapper”.

Subclause (3) of the previous regulation 3A was amended, as from 15 December 1994, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1994/256), by substituting the expression “15 snapper” for the expression “20 snapper”, and was then substituted, as from 13 October 1995, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1995/213).

Subclauses (6) and (7) of the previous regulation 3A were inserted, as from 13 October 1995, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1995/213).

Regulation 3A was substituted, as from 15 July 1999, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/179).

Subclause (6A) was inserted, as from 1 March 2006, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/312).

Subclauses (8) and (9) were inserted, as from 1 October 2001, by regulation 3 Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/265).

3AB Maximum daily limit on certain shellfish species for Auckland Coromandel Area

- (1) Despite regulation 19 of the Fisheries (Amateur Fishing) Regulations 1986 (SR 1986/221), the maximum number of shellfish from the Auckland Coromandel Area that may be taken or possessed by any person on any day is the appropriate number specified in the following table:

| Species of shellfish | Maximum daily number (per person) |
|---------------------------|-----------------------------------|
| Cockles | 50 |
| Green-lipped mussels | 25 |
| Oysters (Pacific or rock) | 100 |
| Pipi | 50 |
| Tuatua | 50 |

- (2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of a species of shellfish (from the Auckland Coromandel Area) specified in the table in subclause (1), but not more than 3 times the daily limit.
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of a species of shellfish (from the Auckland Coromandel Area) specified in the table in subclause (1).
- (4) In this regulation, **Auckland Coromandel Area** means those waters within the area defined by a line commencing at the mean high-water mark at the easternmost point of Cape Rodney (at 36°16.8'S and 174°49.3'E); then proceeding in a straight line in a generally south-easterly direction to the westernmost point of Cuvier Island (at 36°26.25S and 175°45.70E); then proceeding in a generally easterly direction around the northern side of the island following the mean low-water spring, to the easternmost point of Cuvier Island (at 36°26.50S and 175°47.12E); then proceeding in a straight line in a generally south-easterly direction to the easternmost point of Red Mercury Island (at 36°37.70S and 175°57.00E); then proceeding

in a straight line in a generally south-easterly direction to the easternmost point of the easternmost islet of the Alderman Islands (at 36°57.32S and 176°06.06E); then proceeding in a straight line in a southwesterly direction to Houmanga Point (at 37°20.75S and 175°56.65E); then proceeding in a straight line in a generally westerly direction to a point at 37°24.13S and 174°42.8E at the southernmost part of the sandspit of the mouth of the Waikato River (at Port Waikato) on the west coast of the North Island; then proceeding in a straight line due west offshore for 1 nautical mile; then in a northerly direction by a line, every point of which is 1 nautical mile from the mean high-water mark from the North Island west coast (and including all of the Manukau Harbour), to a point at 36°48.88S and 174°23.76E; then proceeding in a straight line due east to the mean high-water mark junction with the mouth of the Okiritoto Stream (Muriwai Beach) (at 36°48.88S and 174°25.03E); then proceeding in a straight line in a north-easterly direction to a trig point named Conical Peak (northwest of Matakana, Warkworth, at NZMS 260, R09, 603408); then proceeding in a straight line in a generally easterly direction to the point of commencement.

Regulation 3AB was inserted, as from 11 November 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1999 (SR 1999/344).

Regulation 3AB was substituted, as from 1 October 2001, by regulation 4 Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/265).

3B Minimum net mesh sizes

- 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 Auckland and Kermadec Fishery Management Areas 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 |
| School shark | 125 |
| Snapper | 125 |
| Trevally | 125 |

Regulations 3A and 3B were inserted, as from 30 September 1993, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Regulation 3AB was inserted, and regulation 3B was revoked, as from 11 November 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1999 (SR 1999/344).

3B Maximum daily limit on certain shellfish species for Auckland Metropolitan Area

- [Revoked]

A second regulation 3B was inserted, as from 1 December 1998, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1998 (SR 1998/299) and substituted by regulation 3AB, as from 11 November 1999, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1999 (SR 1999/344).

3C Minimum size for snapper

- Notwithstanding anything in regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, no person shall take any snapper from the Auckland and Kermadec Fishery

Management Areas that is less than 27cm in length or be in possession of any snapper taken from within those areas that is less than 27cm in length.

Regulation 3C was inserted, as from 15 December 1994, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1994/256).

3D Person and vessel limits on number of rock lobster pots in Bay of Plenty Area

- [Revoked]

Regulation 3D was inserted, as from 1 April 1996, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 7 (SR 1996/18).

Regulation 3D was substituted, as from 1 October 2001, by regulation 5 Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/265).

Subclause (1) was amended, as from 31 March 2003, by regulation 3(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2003 (SR 2003/21) by substituting the words “Bay of Plenty area” for the words “area described in subclause (4)”.

Subclause (1)(a) was substituted, as from 11 July 2002, by regulation 3(1) Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2002 (SR 2002/163).

Subclause (2) was amended, as from 11 July 2002, by regulation 3(2) Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2002 (SR 2002/163) by inserting the words “(being an individual to whom subclause (1)(a) applies)” after the word “person” where it second occurs.

Subclause (3) was amended, as from 11 July 2002, by regulation 3(3) Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2002 (SR 2002/163) by inserting the words “(being a person to whom subclause (1)(b) applies)” after the word “person” where it second occurs.

Subclause (4) was substituted, as from 31 March 2003, by regulation 3(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2003 (SR 2003/21).

Regulation 3D was revoked, as from 1 October 2004, by regulation 5 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282).

3D Minimum size for blue cod

- Despite regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, no person may take or possess any blue cod taken from the Auckland Fishery Management Area that is less than 30 cm in length.

Regulation 3D was inserted, as from 1 April 2007, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/30).

4 Fishing prohibited in part of Manukau Harbour

- (1) No person shall take or possess any fish from the area described in subclause (2) of this regulation.
(2) For the purposes of this regulation, the term **area** means that area of water in the Manukau Harbour bounded by a line commencing at 37°01.30'S and 174°45.12'E; then northerly along the 174°45.12' East meridian of longitude to the mean high-water mark of the sea; then generally easterly along that mean high-water mark to its intersection with the 37°00' South parallel of latitude; then easterly along 37°00' South parallel of latitude to its intersection with the mean high-water mark; then generally south-easterly along the mean high-water mark to its intersection with the 37°01.06' South parallel of latitude; then south-westerly along a right line to 37°01.30'S and 174°49.18'E; then westerly along the 37°01.30' South parallel of latitude to the point of commencement.

5 Restrictions on taking fish in the vicinity of Mimiwhangata Peninsula

- (1) No person may use any fishing method, except those specified in subclause (2) of this regulation, to take those species of fish specified in subclause (3) of this regulation, from the area.
(2) The following fishing methods may be used—

- (a) Lines, if the line does not have more than 1 hook attached to it and the line is not weighted in any way;
 - (b) Trolling;
 - (c) Spears;
 - (d) Hand-gathering;
 - (e) Potting, if only 1 pot per person, part, or vessel is used in the area.
- (3) The species of fish which may be taken in the area pursuant to subclause (1) of this regulation are barracouta, billfish, blue maomao, flounder, garfish, green mussel, gurnard, kahawai, kina, kingfish, mackerel, rock lobster, scallops, shark, snapper, tarakihi, trevally, tuatua, tuna, and yellow eyed mullet.
- (4) For the purposes of this regulation, the term **area** means all that area of water adjacent to Paparahi Point and Rimariki Island on the east coast of the County of Whangarei, bounded by a line commencing at the mean high-water mark at the western extremity of Lot 1 DP 89739 North Auckland Land District being approximately 35°26.05'S and 174°23.05'E and proceeding due North for a distance of 1000m; then proceeding initially in a generally easterly direction to a point 1000m due North of Ngataurau Rock; then to a point 1000m due North of the northern extremity of Rimariki Island; then in a south-easterly direction to a point 1000m due East of Motuwharariki Island; then in a generally south-westerly direction to a point 1000m due East of the eastern extremity of Otawhanga Island; then to a point on a bearing of 59°2.40' and at a distance of 1000m from the south-eastern boundary of Te Ruatahi 2A Block; then in a generally south-westerly direction to a point at the mean high-water mark at the south-eastern boundary of Te Ruatahi 2A Block being approximately 35°27.45'S and 174°25.5'E; then along the line of the mean high-water mark initially in a generally northerly direction and proceeding along that mark to the point of commencement.
- (5) A person contravenes subclause (2)(e) if the person uses, in person or from a vessel,—
- (a) 2 rock lobster pots; or
 - (b) 3 rock lobster pots; or
 - (c) more than 3 rock lobster pots.

Subclause (5) was inserted, as from 1 October 2004, by regulation 6 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282).

6 Restrictions on taking fish and seaweed in the vicinity of Tawharanui Peninsula

- No person shall take any fish or seaweed from that area of New Zealand fisheries waters lying on the northern side of Tawharanui Peninsula inside a line drawn from a point 36°21.8'S and 174°49.3'E; then in a northerly direction to a point 36°21.4'S and 174°49.6'E; then in a generally easterly direction by a line every point of which is half a nautical mile from the mean high-water mark to a point 36°21.3'S and 174°51.7'E; then by a straight line due South to a point 36°21.8'S and 174°51.7'E.

6A Restrictions on fishing within 1 nautical mile of Mayor (Tuhua) Island

- No person shall use or possess for fishing a set net, or a line to which more than 3 hooks are attached, within 1 nautical mile seaward of the mean high-water mark of the coast of Mayor (Tuhua) Island.

Regulation 6A was inserted by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1992/209) and substituted by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1992/309).

6B Restrictions on fishing in the Bay of Islands

- (1) No person 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) Except as provided in subclause (3) of this regulation, no person shall use or possess a set net in the prescribed area 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) Nothing in subclause (2) of this regulation shall apply to nets used for the targeting of grey mullet or flatfish.
- (4) No person shall use or possess a set line in the prescribed area 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).
- (5) For the purpose of this regulation, the expression **prescribed area** means all 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 (Robertson) 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 mark 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.

Regulations 6B and 6C were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

6C Set netting prohibited in defined areas

- (1) No person 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):
 - (ii) *Marotere (Chickens) Islands*: The waters on the northern side of the Marotere Islands (otherwise known as the Chickens Islands) lying inside a line commencing at the northernmost extremity of Lady Alice Island (at 35°53.29'S and 174°43.10'E); then in a due north direction for a distance of 0.5 nautical mile to the point at 35°52.79'S and 174°43.10'E; then proceeding in a generally easterly direction by a line every point of which is 0.5 nautical mile from a baseline which commences at the northernmost extremity of Lady Alice Island (at 35°53.29'S and 174°43.10'E); then by the mean high water mark to the easternmost extremity of Lady Alice Island (at 35°53.57'S and 174°44.32'E); then in a straight line in an easterly direction to the westernmost extremity of Whatupuke Island (at 35°53.61'S and 174°44.71'E):

then by the mean high water mark to the easternmost extremity of Whatupuke Island (at 35°53.47'S and 174°45.70'E); then in a straight line in an easterly direction to the westernmost extremity of Coppermine Island (at 35°53.50'S and 174°45.82'E); then by the mean high water mark to the termination of the baseline at the easternmost extremity of Coppermine Island (at 35°53.31'S and 174°46.99'E) to the point at 35°52.81'S and 174°46.99'E; then by a straight line due south to the easternmost extremity of Coppermine Island (at 35°53.31'S and 174°46.99'E):

- (d) *Mokohinau Islands*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on all the islands, islets, and rocks of the Mokohinau Islands group:
- (e) *Simpson Rock*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on Simpson Rock, being the islet (rock) located approximately 4 nautical miles south of the Mokohinau Islands:
- (f) *Little Barrier Island*: The waters lying inside a line every point of which is one-half nautical mile from the mean high water mark on Little Barrier Island:
- (g) *Great Barrier Island*:
 - (i) *Miners Head-Needles Point*: The waters at the northern end of Great Barrier Island lying inside a line commencing at the northernmost extremity of Miners Head (at 36°03.98'S and 175°20.80'E); then in a due north direction for a distance of 0.5 nautical miles to the point at 36°03.48'S and 175°20.80'E; then proceeding in a generally northeasterly direction by a line every point of which is one-half nautical mile from a baseline which commences at the northernmost extremity of Miners Head (at 36°03.98'S and 175°20.80'E); then by the mean high water mark to the northernmost extremity of Great Barrier Island (at 36°03.12'S and 175°23.88'E); then in a straight line in a northeasterly direction to the southernmost extremity of the unnamed island (at 36°03.12'S and 175°24.00'E); then by the mean high water mark to the northernmost extremity of the unnamed island (at 36°02.56'S and 175°24.11'E); then in a straight line in a northerly direction to the southernmost extremity of Aiguilles Island (at 36°02.51'S and 175°24.24'E); then by the mean high water mark to the northernmost extremity of Aiguilles Island (at 36°01.91'S and 175°24.50'E); then in a straight line in a northerly direction to the southernmost extremity of Needles Point (at 36°01.70'S and 175°24.40'E); then by the mean high water mark to the termination of the baseline at the northernmost extremity of Needles Point (at 36°01.63'S and 175°24.40'E) to the point at 36°01.13'S and 175°24.40'E; then by a straight line due south to the northernmost extremity of Needles Point (at 36°01.63'S and 175°24.40'E):
 - (ii) *Rakitu (Arid) Island*: The waters on the eastern side of Rakitu Island (otherwise known as Arid Island) lying inside a line commencing at the northernmost extremity of Hautapu Point (at 36°07.06'S and 175°29.76'E); then in a due north direction for a distance of 0.5 nautical miles to the point at 36°06.56'S and 175°29.76'E; then by a line every point of which is 0.5 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, the 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 is 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):
 - (v) *Stanley Island*: The waters lying inside a line commencing at the westernmost extremity of Stanley Island (at 36°38.22'S and 175°52.79'E); then in a northwest direction for a distance of one-half nautical mile to the point at 36°37.85'S and 175°52.34'E; then by a line every point of which is one-half nautical mile from the mean high water mark on the northern and eastern sides of Stanley Island to the point at 36°39.54'S and 175°53.35'E; then by a straight line due north to the southernmost extremity of Stanley Island (at 36°39.04'S and 175°53.35'E); then in a due south direction for a distance of one-quarter nautical mile to the point at 36°39.29'S and 175°53.35'E; then by a line every point of which is one-quarter nautical mile

from the mean high water mark on the southwestern side of Stanley Island to the point at 36°38.05'S and 175°52.55'E; then by a straight line in a southeast direction to the westernmost extremity of Stanley Island (at 36°38.22'S and 175°52.79'E):

- (vi) *Red Mercury Island*: The waters on the eastern side of Red Mercury Island lying inside a line commencing at the northernmost extremity of Red Mercury Island (at 36°37.06'S and 175°56.16'E); then in a northeast direction for a distance of one-half nautical mile to the point at 36°36.72'S and 175°56.60'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°38.37'S and 175°56.83'E; then by a straight line due north to the southeasternmost extremity of Red Mercury Island (at 36°37.87'S and 175°56.83'E):
- (k) *Tamaki River and Panmure Basin*: The waters of the Tamaki River and Panmure Basin lying inside a straight line from the easternmost extremity of Sandy Point (at 36°52.41'S and 174°53.44'E) in a straight line in a southeasterly direction to the point of intersection with the shore to the north of the Half Moon Bay marina (at 36°52.76'S and 174°54.09'E):
- (l) *Northwest coast*:
 - (i) *Cape Reinga-Scott Point*: The waters lying within 1 nautical mile from the mean high water mark of the shore that extends from the northernmost extremity of Cape Reinga (at 34°25.40'S and 172°40.70'E) to the southernmost extremity of Scott Point (at 34°31.90'S and 172°43.20'E):
 - (ii) *Tauroa Point (Reef Point)-Whangape Harbour*: The waters lying within one-half nautical mile from the mean high water mark of the shore that extends from the easternmost extremity of Tauroa Point (otherwise known as Reef Point) (at 35°10.15'S and 173°05.20'E) to the north head of Herekino Harbour (at 35°17.70'S and 173°09.90'E); then by a straight line in a southerly direction to the south head of Herekino Harbour (at 35°17.95'S and 173°09.80'E); then by the mean high water mark to the north head of Whangape Harbour (at 35°22.70'S and 173°13.10'E):
 - (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):

- (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 (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 in 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 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 6B and 6C were inserted by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1993/285).

Paragraph (i) was substituted, as from 30 November 1995, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1995/231).

Regulation 6C(1)(l)(iii): substituted, on 1 October 2008, by regulation 5(1) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

Paragraph (l)(iii) was substituted, as from 21 September 2001, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/277).

Paragraph (l)(iii) was substituted, as from 1 October 2005, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2005 (SR 2005/191).

Paragraph (l)(iii) was substituted, as from 5 January 2006, by regulation 5 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/312).

Regulation 6C(1)(l)(iv): revoked, on 1 October 2008, by regulation 5(2) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

Paragraph (m) was inserted, as from 30 November 1995, by regulation 2(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1995/231).

Paragraph (n) was inserted, as from 23 October 1996, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No 8 (SR 1996/276).

Regulation 6C(2): added, on 1 October 2008, by regulation 5(3) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

- (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).

Regulation 6CA: inserted, on 1 October 2008, by regulation 6 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

6D Restriction on taking shellfish from Cheltenham 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 Takapuna Head (at 36° 48.95'S and 174° 48.5'E), then proceeding generally in a south-easterly direction to the easternmost point of North Head (at 36° 49.3'S and 174° 49.7'E), then generally in a northerly direction along the mean high-water mark to the point of commencement.

Regulations 6D and 6E were inserted, as from 1 April 1998, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1998 (SR 1998/26).

6E 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 highwater mark to the point of commencement.

Regulations 6D and 6E were inserted, as from 1 April 1998, by regulation 2 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1998 (SR 1998/26).

6F Restriction on taking shellfish from Eastern Beach

- No person may take shellfish 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 unnamed headland which delimits the northwestern end of Eastern Beach (at 36°52.16'S and 174°54.63'E); then in a generally north-easterly direction to the East Cardinal Beacon on the corner of the drying reef (at 36°51.81'S and 174°54.96'E); then in generally a south-easterly direction to the unnamed headland which delimits the southeastern end of Eastern Beach (at 36°52.75'S and 174°55.39'E); then in generally a north-westerly direction along the mean highwater mark to the point of commencement.

Regulation 6F was inserted, as from 1 December 1998, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1998 (SR 1998/299).

Regulation 6F was revoked, as from 1 October 2001, by regulation 7(a) Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/265).

A new regulation 6F was inserted, as from 2 October 2003, by regulation 4 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224).

7 Seasonal restriction on taking of finfish near Motu River

- (1) Except as provided in subclause (2) of this regulation, no person 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).
- (2) Nothing in subclause (1) of this regulation shall apply to the taking of fish or the possession of fish that have been taken by hand-held line.

8 Oyster fishing prohibited in certain areas

- [Revoked]

Regulation 8 was amended, as from 1 April 1997, by regulation 2(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1997 (SR 1997/27) by omitting the words “the Hauraki Gulf,”.

Regulation 8 was revoked, as from 2 October 2003, by regulation 5 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224).

8 Seasonal restrictions on taking scallop

- Despite regulation 24 of the Fisheries (Amateur Fishing) Regulations 1986, no person may take scallop, or possess scallop taken, from the Auckland Fishery Management Area (East) or the Auckland Fishery Management Area (West) between 1 April and 31 August in the same year (both days inclusive).

Second regulation 8: substituted, on 1 April 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2008 (SR 2008/24).

Regulation 8 was inserted, as from 1 April 2007, by regulation 5 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/30).

9 Maori oyster fisheries

- No person who is not a Maori shall take any oyster from any of the following areas:
 - (a) All that part of the foreshore surrounding the area of land known as Jones Peninsula in Whangaroa Harbour:
 - (b) All that part of the foreshore in Whangaroa Harbour commencing at a point approximately 0.8km from the easternmost point of Middle Head; then following the coastline in a northerly and westerly direction for approximately 1.6km; then in an easterly direction for approximately 0.8km:
 - (c) That part of the foreshore of the Mongonui Inlet of the Bay of Islands fronting the Toatoa and Te Mamaku Blocks:
 - (d) That part of the Whangaruru Harbour inside a straight line drawn from Kerikeri Point to Tokitoki Point:
 - (e) The following parts of Kaipara Harbour:
 - (i) The Arapaoa River between Wakaiti and Tahupo Creek:
 - (ii) The Arapaoa and Otamatea Rivers between Te Kopua Point and Waipako:
 - (iii) The Otamatea River between Batley Wharf and Tanoa Point:
 - (iv) Paparoa Point and Onoke Point:
 - (v) The Oruawharo River between Raekau Wharf and Waingopai Creek:
 - (vi) The Northern Wairoa River between Pouto Wharf and Sail Point:
 - (f) The portions of the tidal waters at the Needles, Waiuku, in Manukau Harbour.

10 Taking of spotted black groper prohibited

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

11 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 3A(8), 3AB(2), 3B, 3C, 3D, 4 to 6F (other than regulation 5(5)(c), 6C(1)(l)(iii), 6CA), 7(1), 8, 9, or 10.
- (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(9), 3AB(3), or 5(5)(c), or regulation 6C(1)(l)(iii) or 6CA.
- (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.

Subclauses (2) and (3) were inserted, as from 15 July 1999, by regulation 5 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/179).

Regulation 11 was substituted, as from 1 October 2001, by regulation 6 Fisheries (Auckland And Kermadec Areas Amateur Fishing) Amendment Regulations 2001 (SR 2001/265).

Regulation 11(1): amended, on 20 November 2008, by regulation 4 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 3) 2008 (SR 2008/402).

Regulation 11(1): amended, on 1 October 2008, by regulation 7(1) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

Subclause (1) was amended, as from 2 October 2003, by regulation 6(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224) by substituting “6F (other than regulation 6C(1)(iv))” for “6E”.

Subclause (1) was amended, as from 2 October 2003, by regulation 6(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224) by omitting “8,”.

Subclauses (1) and (2) were amended, as from 15 January 2004, by regulation 3 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 3) 2003 (SR 2003/377) by substituting “6C(1)(iii) or (iv)” for “6C(1)(iv)”.

Subclause (1) was amended, as from 1 October 2004, by regulation 7(1)(a) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282) by omitting “3D(2)(a) or (3)(a),”.

Subclause (1) was amended, as from 1 October 2004, by regulation 7(1)(b) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282) by inserting “5(5)(c),” after “other than regulation”.

Subclause (1) was amended, as from 1 April 2007, by regulation 6(1) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/30) by inserting “3D,” after “3C,”.

Subclause (1) was amended, as from 1 April 2007, by regulation 6(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2007 (SR 2007/30) by inserting “8,” after “7(1),”.

Regulation 11(2): amended, on 1 October 2008, by regulation 7(2) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/266).

Subclause (2) was amended, as from 2 October 2003, by regulation 6(3) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224) by inserting “, or regulation 6C(1)(iv)”.

Subclause (2) was amended, as from 1 October 2004, by regulation 7(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2004 (SR 2004/282) by substituting “5(5)(c)” for “3D(2)(b) or (3)(b)”.

12 Revocations

- The following notices are hereby revoked:
 - (a) The Fisheries (Ohiwa Harbour Mussel Prohibition) Notice 1981 (SR 1981/200):
 - (b) The Fisheries (Manukau Harbour Prohibition) Notice 1983 (SR 1983/300):
 - (c) The Fisheries (Maori Oyster Reserves) Notice 1983 (SR 1983/302):
 - (d) The Fisheries (Tawharanui Peninsula) Notice 1983 (SR 1983/301):
 - (e) The Fisheries (Mimiwhangata Peninsula) Notice 1983 (SR 1983/303):
 - (f) The Fisheries (Amateur Oyster Fishing) Notice 1984 (SR 1984/349).

Schedule Oyster fishing prohibition areas

Reg 8

[Revoked]

Item 1 of the Schedule relating to the Hauraki Gulf was omitted, as from 1 April 1997, by regulation 2(2) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1997 (SR 1997/27).

The Schedule was revoked, as from 2 October 2003, by regulation 7 Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/224).

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—

- (a) The Fisheries (Manukau Harbour Prohibition) Notice 1983 (SR 1983/300):
- (b) The Fisheries (Maori Oyster Reserves) Notice 1983 (SR 1983/302):
- (c) The Fisheries (Tawharanui Peninsula) Notice 1983 (SR 1983/301):
- (d) The Fisheries (Mimiwhangata Peninsula) Notice 1983 (SR 1983/303):
- (e) The Fisheries (Amateur Oyster Fishing) Notice 1984 (SR 1984/349),—

and impose similar restrictions and controls.

An additional restriction is imposed on the taking of finfish (other than by hand-held line) near the Motu River mouth during December-March periods, and the taking of spotted black groper anywhere in the Auckland or Kermadec Areas.

These regulations should be considered in conjunction with the Fisheries (Amateur Fishing) Regulations 1986 (SR 1986/221) which impose controls of nationwide application.

Issued under the authority of the Regulations Act 1936.

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