

**Fisheries (Auckland and Kermadec
Areas Commercial Fishing)
Amendment Regulations (No 2)
2005**

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

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1 Title

- (1) These regulations are the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005.
- (2) In these regulations, the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986¹ are called “the principal regulations”.

¹ SR 1986/216

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Taking of tuatua prohibited in certain areas

(1) Regulation 4A of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

“(1) No commercial fisher may take any tuatua or be in possession of any tuatua taken from any waters in any of quota management areas TUA1A, TUA1B, and TUA9, except as provided in subclause (3).”

(2) Regulation 4A(2) is revoked.

(3) Regulation 4A(3) of the principal regulations is amended by inserting, after the words “tuatua by dredging”, the words “(and to possess tuatua so taken)”.

4 New regulations 4C and 4D substituted

The principal regulations are amended by revoking regulations 4C and 4D, and substituting the following regulations:

“4C Taking of cockle prohibited in certain areas

“(1) No commercial fisher may take any cockle or be in possession of any cockle taken from any waters in any of quota management areas COC1A, COC1B, COC1C, and COC9, except as provided in subclause (2).

“(2) A commercial fisher may take cockle by means of hand-gathering (and may possess cockle so taken) in the following waters:

“(a) the waters of quota management area COC1A:

“(b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40’S and 177°09.00’E) and the eastern area of the harbour (at 37°59.40’S and 177°09.50’E).

“4D Taking of pipi prohibited in certain areas

“(1) No commercial fisher may take any pipi or be in possession of any pipi taken from any waters in any of quota management

areas PPI1A, PPI1B, PPI1C, and PPI9, except as provided in subclause (2).

- “(2) A commercial fisher may take pipi by means of hand-gathering (and may possess pipi so taken) in the following waters:
- “(a) the waters of quota management area PPI1A:
 - “(b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40'S and 177°09.00'E) and the eastern area of the harbour (at 37°59.40'S and 177°09.50'E).”

5 Regulation 22A revoked

Regulation 22A of the principal regulations is revoked.

6 Offences

Regulation 24(1) of the principal regulations is amended by omitting the expression “22A,”.

Diane Morcom,

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, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 by—

- further restricting the areas within which commercial fishing of certain tuatua, cockle, and pipi stocks can occur:
- removing the daily weight limits set out for those stocks by revoking regulation 22A of the principal regulations. The method restrictions previously set out in that regulation are preserved by transferring them to the amended or substituted regulations 4A, 4C, and 4D.

**Fisheries (Auckland and Kermadec
Areas Commercial Fishing) Amendment
Regulations (No 2) 2005**

2005/313

Date of notification in *Gazette*: 8 December 2005.
