Reprint
as at 1 February 2014

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

(SR 2008/266)

Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008: revoked, on 1 February 2014, pursuant to regulation 161(1)(b) of the Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482).

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.

Note
Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations amended	2
4	Interpretation	2
5	Set netting prohibited in defined areas	3
6	New regulation 6CA inserted	4
	6CA Drift net fishing prohibited in Port Waikato	4
7	Offences and penalties	4

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(l)(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(l)(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)(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."

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(l)(iii) or (iv)" and substituting "6C(1)(l)(iii)".

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

Rebecca Kitteridge,
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 1 October 2008, amend the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986.

The amendments—

- introduce new measures that prohibit the use of set nets and drift nets in certain defined areas in order to avoid, remedy, or mitigate the effects of fishing-related mortality on Hector's and Maui's dolphins; and
- make it an offence to act in contravention of, or fail to comply with, the new measures; and
- make changes to the principal regulations that are consequential upon the introduction of the new measures.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 28 August 2008.

Reprints notes

1 General

This is a reprint of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 2008 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482): regulation 161(1)(b)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2014