



# Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2001

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

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.

### Contents

1	Title	5	New regulation 3D substituted
2	Commencement	3D	Person and vessel limits on number of rock lobster pots in Bay of Plenty Area
3	Maximum daily number of fish	6	New regulation 11 substituted
4	New regulation 3AB substituted	11	Offences and penalties
	3AB Maximum daily limit on certain shellfish species for Auckland Coromandel Area	7	Revocations

---

## Regulations

### 1 Title

- (1) These regulations are the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 2001.

- (2) In these regulations, the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1986/222

## 2 Commencement

These regulations come into force on 1 October 2001.

## 3 Maximum daily number of fish

Regulation 3A of the principal regulations is amended by adding the following subclauses:

- “(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).”

## 4 New regulation 3AB substituted

The principal regulations are amended by revoking regulation 3AB, and substituting the following regulation.

### “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°26.25’S and 175°45.70’E); 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°26.50’S and 175°47.12’E); then proceeding in a straight line in a generally south-easterly direction to the easternmost point of Red Mercury Island (at 36°37.70’S and 175°57.00’E); 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°57.32’S and 176°06.06’E); then proceeding in a straight line in a southwesterly direction to Houmanga Point (at 37°20.75’S and 175°56.65’E); then proceeding in a straight line in a generally westerly direction to a point at 37°24.13’S and 174°42.8’E 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°48.88’S and 174°23.76’E; 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°48.88’S and 174°25.03’E); 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.”

**5 New regulation 3D substituted**

The principal regulations are amended by revoking regulation 3D, and substituting the following regulation:

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

“(1) The maximum number of rock lobster pots that may be used, set, or possessed in the waters of the area described in subclause (4) is,—

“(a) in the case of pots being used, set, or possessed by an individual in those waters, 3 pots:

“(b) in the case of pots being used, set, or possessed by 2 or more individuals from a vessel in those waters, 6 pots.

“(2) A person contravenes this subclause if the person, on any day,—

“(a) uses, sets, or possesses in those waters more than 3 pots, but not more than 6 pots; or

“(b) uses, sets, or possesses in those waters more than 6 pots.

“(3) A person contravenes this subclause if the person, on any day,—

“(a) uses, sets, or possesses pots from a vessel in those waters so that more than 6 pots but not more than 12 pots are being used, set, or possessed from the vessel; or

“(b) uses, sets, or possesses pots from a vessel in those waters so that more than 12 pots are being used, set, or possessed from the vessel.

“(4) The area referred to in subclauses (1) to (3) comprises that area of New Zealand fisheries waters defined on the Ministry of Fisheries Map No 151 (File Reference 21/1/5) held in the Head Office of the Ministry of Fisheries that is bounded—

“(a) by the mean high-water mark of that part of the shore of the North Island from East Cape Lighthouse (at 37°41.4’S and 178°32.8’E) to Te Arai Point (at 36°09.8’S and 174°39’E); and

“(b) by a straight line from East Cape Lighthouse (at 37°41.4’S and 178°32.8’E) on a true compass bearing of 45°; and

“(c) by a straight line from Te Arai Point (at 36°09.8’S and 174°39’E) on a true compass bearing of 45°.”

**6 New regulation 11 substituted**

The principal regulations are amended by revoking regulation 11, and substituting the following regulation:

**“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(2)(a) or (3)(a), 4 to 6E, 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 3D(2)(b) or (3)(b).
- “(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.”

**7 Revocations**

The following regulations are revoked:

- (a) regulation 6F of the principal regulations;
- (b) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1986, Amendment No 7 (SR 1996/18).
- (c) regulation 4 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1998 (SR 1998/299).
- (d) regulation 5 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999 (SR 1999/179).
- (e) Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations (No 2) 1999 (SR 1999/344).

Martin Bell,  
Acting for 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 2001, amend the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 by restructuring certain prohibitions and offences to reflect appropriate penalty levels.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 September 2001.

These regulations are administered in the Ministry of Fisheries.

---