



Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 22nd day of May 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 89 of the Fisheries Act 1983 and sections 186 and 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	4	Restricted drag netting
2	Commencement	5	All methods prohibited in certain waters
3	Drag netting prohibited in defined areas	6	Revocations

Regulations

1 Title

- (1) These regulations are the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2000.

- (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 Drag netting prohibited in defined areas

Regulation 11(g) of the principal regulations is amended by revoking subparagraph (iii), and substituting the following subparagraph:

“(iii) at any time during the period commencing on 14 December in any year and ending with the close of the last day of February in the following year, in those waters lying inside a line drawn from Papatu Point (at 37°28.25’S and 175°59.15’E); then in a straight line to the northwesternmost point of Matakana Island (at 37°28.46’S and 175°59.12’E); then along the mean high-water mark to the easternmost point of Matakana Island (at 37°38.23’S and 176°09.71’E); then in a straight line to the southernmost extremity of Mount Maunganui Island (at 37°38.27’S and 176°10.14’E):”.

4 Restricted drag netting

Regulation 12 of the principal regulations is amended by adding the following subclauses:

- “(6) The permit holders named in Schedule 2 are exempt from regulation 38 of the Fisheries (Commercial Fishing) Regulations 1986 when using a drag net to take fish from Tauranga Harbour, but permit holders must not—
- “(a) use a drag net to take fish in the time commencing 30 minutes after sunset on any day and ending 30 minutes before sunrise the following day; or
 - “(b) use a drag net to take fish on any weekend day or on any statutory holiday; or

“(c) use a drag net to take fish, if the net has a net mesh size less than 114 millimetres, from 1 March 2001; or

“(d) use, or have on board a fishing vessel, a drag net to take fish, if the net has a total length (including any warp, rope, chain, short end, wing, leader, or any other attached item) in excess of 1500 metres.

“(7) Subclauses (6)(a) and (c) do not apply to permit holders named in Schedule 2 who are eligible to target piper or garfish, and are target fishing for piper or garfish.”

5 All methods prohibited in certain waters

Regulation 23 of the principal regulations is amended by adding the following subclause:

“(6) *Tinopai, Kaipara Harbour*: no commercial fisher may, during the period commencing on 22 June 2000 and ending with the close of 21 June 2002, take any fish from or be in possession of any fish taken from that area of New Zealand fisheries waters that lies within an area defined by a line commencing at Te Kopua Point (at 36°12.9’S and 174°17.2’E); then proceeding in a south-easterly direction to the north-eastern point of Timber Bay (at 36°14.6’S and 174°1218.0’E); then in a south-westerly direction along the mean high water mark to Motukumera Point (at 36°17.7’S and 174°17.0’E); then in a north-westerly direction to Bushy Point (at 36°15.5’S and 174°12.9’E); and then in a north-easterly direction along the mean high-water mark to the point of commencement at Te Kopua Point (at 36°12.9’S and 174°17.2’E).”

6 Revocations

(1) Regulation 8 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1993/279) is consequentially revoked.

- (2) Regulation 3(1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No 9 (SR 1995/33) is consequentially revoked.

Marie Shroff,
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.

Regulation 3 revokes regulation 11(g)(iii) of the principal regulations and substitutes a new provision that extends, by 1 month, the prohibition against drag netting in the Tauranga Harbour. The new prohibited period runs from 14 December in any year to the last day of February the following year (both days inclusive).

Regulation 4 adds *new subclauses (6) and (7)* to regulation 12 of the principal regulations, which exempts permit holders named in Schedule 2 of the principal regulations from regulation 38 of the Fisheries (Commercial Fishing) Regulations 1986, with certain conditions when using a drag net to take fish from Tauranga Harbour. Regulation 38 restricts the use of nets in channels.

Regulation 5 adds *new subclause (6)* to regulation 23 of the principal regulations, which prohibits the taking, by any method, or possession of any fish or seaweed from Tinopai in the Kaipara Harbour.

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

Date of notification in *Gazette*: 25 May 2000.

These regulations are administered in the Ministry of Fisheries.
