



**THE MARINE MAMMALS PROTECTION (BANKS PENINSULA
SANCTUARY) NOTICE 1988, AMENDMENT NO. 2**

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PURSUANT to section 22 of the Marine Mammals Protection Act 1978, the Minister of Conservation hereby gives the following notice.

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NOTICE

1. Title and commencement—(1) This notice may be cited as the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988, Amendment No. 2, and shall be read together with and deemed part of the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988* (hereinafter referred to as the principal notice).

(2) This notice shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Interpretation—(1) The principal notice is hereby amended by revoking clause 2 (as amended by clause 3 of the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988, Amendment No. 1), and substituting the following clause:

“2. In this notice, unless the context otherwise requires,—

“‘Flounder area’ means the area described in the Second Schedule to this notice:

“‘Flounder net’ means a set net designed or intended to catch flounder:

“‘Sanctuary’ means the place defined in the First Schedule to this notice, and includes any area added to it; but does not include any area removed from it:

“‘Set net’ includes—

“(a) A gill net, a drift net, and a trammel net; and

“(b) Any other net (other than a drag net) that acts or is intended to act by entangling or enmeshing fish.”

(2) Clause 3 of the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988, Amendment No. 1 is hereby consequentially revoked.

3. Restrictions on use of set nets—The principal notice is hereby amended by revoking clause 6, and substituting the following clause:

“6. The following restrictions are hereby imposed in respect of the sanctuary:

- “(a) Except in the case of a flounder net set or used within the flounder area, no person shall set or otherwise use a set net, or allow a set net that has been set to remain in place, within the sanctuary at any time during the period commencing 1 hour before sunset and ending 1 hour after sunrise the following day:
- “(b) No person shall set or use within the flounder area—
 - “(i) A flounder net more than 60 metres long; or
 - “(ii) Any other set net more than 30 metres long;
- “(c) No person shall set or use within any part of the sanctuary outside the flounder area a set net more than 30 metres long;
- “(d) A person who within the sanctuary sets 1 set net from a boat shall not set or otherwise use another from the boat for so long as the first net has not been brought back on board or lost;
- “(e) A person who within the sanctuary sets from a boat a set net (other than a flounder net set in the flounder area) shall take all reasonable steps to ensure that the boat is crewed, and in sight of and not more than 50 metres from the net, while the net remains set.”

4. New schedule added—(1) The principal notice is hereby amended by adding the schedule set out in the Schedule to this notice.

(2) The principal notice is hereby consequentially amended—

- (a) By inserting in clause 3 (1), before the word “Schedule”, the word “First”; and
 - (b) By inserting in the heading to the Schedule, before the word “SCHEDULE”, the word “FIRST”; and
 - (c) By inserting, before that heading, the word “SCHEDULES”.
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Cl. 4 (1)

SCHEDULE

NEW SECOND SCHEDULE TO PRINCIPAL NOTICE

"SECOND SCHEDULE

FLOUNDER AREA

The areas of the sea that are on the landward side of the following lines:

- (a) A line in Akaroa Harbour between grid 059103 (Green Point) and grid 038118 (Ohae) on map N36 (NZMS 260);
- (b) A line in Port Levy between grid 968289 (jetty) and 955289 (wharf) on that map;
- (c) A line in Pigeon Bay between grid 024268 (Teopopaka Point) and grid 013268 on that map;
- (d) A line in Lyttelton Harbour between grid 867302 (Hays Bay) and grid 831325 on map M36 (NZMS 260)."

Given at Wellington this 2nd day of March 1990.

PHILIP WOOLLASTON,
Minister of Conservation.

 EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force 28 days after notification in the *Gazette*, varies some of the restrictions imposed in respect of the Banks Peninsula Marine Mammal Sanctuary.

Under the varied restrictions in certain defined areas ("the flounder area") flounder nets up to 60m long may be set at any time of the day or night between 1 March and 31 October; flounder nets may be set and left unattended in the flounder area; and set nets up to 30m long may (between 1 March and 31 October) be set during daylight hours if the boat from which they are set stays in attendance (meaning within sight and 50m of the net).

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

Date of notification in *Gazette*: 8 March 1990.

This notice is administered in the Department of Conservation.