

Kaikōura (Te Tai-o-Marokura) Marine Management Bill

Government Bill

As reported from the Local Government and
Environment Committee

Commentary

Recommendation

The Local Government and Environment Committee has examined the Kaikōura (Te Tai-o-Marokura) Marine Management Bill and recommends that it be passed with the amendments shown.

Introduction

The Kaikōura (Te Tai-o-Marokura) Marine Management Bill seeks to establish the following measures for the coast and sea around Kaikōura (Te Tai o Marokura):

- a marine reserve
- a New Zealand fur seal sanctuary
- a whale sanctuary
- five customary fisheries areas
- fishing regulations specific to the area
- an advisory committee.

The bill seeks to implement key components of the Kaikōura Marine Strategy developed by Te Korowai o Te Tai o Marokura/the Kaikōura

Coastal Marine Guardians—a group consisting of iwi, environmental groups, and local marine industries and tourism operators.

This commentary covers the key amendments that we recommend to the bill. It does not cover minor or technical amendments.

Place names

We recommend a number of changes throughout the bill so that place names reflect Ngāi Tahu usage. Although the names in the bill as introduced are correct according to guidance from Te Taura Whiri i te Reo/the Māori Language Commission they do not accord with Ngāi Tahu practice. After consultation, agencies including Te Taura Whiri agree that Ngāi Tahu usage should be used.

Reserve and sanctuary boundaries

We recommend replacing Schedules 1 and 2 to make the GPS co-ordinates that determine the reserve and sanctuary boundaries more specific. The standard applied in the bill is the accepted convention and is used by the Ministry for Primary Industries in relation to the Fisheries Act 1996. The standard uses co-ordinates calculated to two decimal places, providing accuracy to within 10 to 20 metres. For the purposes of marine reserves and sanctuaries, we believe that a definition to within one metre, requiring calculation to three decimal places, is more appropriate.

We also recommend amendments to allow the continuation of existing access by vessel. The amendments we propose would exclude two existing slipways from the marine reserve. If the slipways fell within the boundaries proposed by the bill as introduced, maintaining them would be an offence under the Marine Reserves Act 1971.

Ministerial powers

We recommend amending clause 12 to remove from the Minister of Conservation the power to abolish a sanctuary by Gazette notice and to limit their ability to vary a sanctuary to minor or technical variations. Under the bill as introduced, the responsible Minister could abolish or vary a sanctuary without recourse to Parliament—thereby overriding primary legislation. The amendment we propose would remedy this anomaly.

Advisory committee

We recommend moving subpart four to the front of the bill. Clauses 25 and 26 would thus become new clauses 5A and 5B. This would emphasise that the role and function of the committee is integral to the implementation of the strategy.

We also recommend the following changes to the advisory committee provisions:

- making the name of the committee the Kaikōura Marine Guardians
- clarifying that Ministers could appoint a body corporate as a member of the committee, as well as individuals
- replacing the requirement for iwi interests to be represented on the committee with Te Rūnanga o Ngāi Tahu interests
- adding biosecurity, conservation, education, and marine science to the list of interests and expertise which Ministers must be satisfied would be represented on the advisory committee
- providing for the committee's advisory functions to apply in respect of the marine aspects of biosecurity in the Kaikōura marine area
- requiring all those exercising biosecurity, conservation, or fisheries powers or functions in the Kaikōura marine area to take into account the advice of the advisory committee.

Ministerial review

We recommend inserting new clause 5C and deleting clause 8. Clause 8 would require the responsible Minister to initiate a review of the proposed marine reserve after 25 years. New clause 5C would expand this provision to require a review to include the other measures created by this legislation, as well as the operation and effectiveness of the advisory committee. The Kaikōura marine strategy recommended a generational review of all the proposed measures, and our amendment would bring the bill in line with this recommendation.

We also recommend that the responsible Minister must consult with the advisory committee on the terms of reference, that the review include reasonable opportunity for public consultation, and that the

responsible Minister be required to present a report on the review to the House.

Other matters

McGee notes that a preamble cannot be inserted into a bill by way of amendment.¹ A preamble sets out the reasons for the provisions proposed in a bill. While some bills, such as private bills and Treaty of Waitangi settlement bills, still include a preamble, its inclusion in legislation is no longer usual practice; this function is served by the explanatory note attached to the bill as introduced (the “bar one”).

While we cannot recommend the insertion of a preamble, we recognise the important background provided by the explanatory note of this bill—specifically, that the marine strategy underpinning the proposed legislation is the result of many years of effort by Te Korowai to bring together diverse people and interest groups and negotiate a “gifts and gains” strategy that we hope will stand the test of time.

Green Party minority view

The Green Party members support the creation of more Marine Protected Areas around New Zealand, and the protections contained in this bill, however note concerns relating to the proposed management tools and outcomes provided in this bill.

The Green Party members acknowledge the efforts by Te Korowai over seven years and their use of what they described as a “gifts and gains” collaborative approach. We support more Marine Protected Areas around New Zealand but lament the fact that only 0.41 percent of New Zealand’s waters (territorial sea plus exclusive economic zone) are protected in marine reserves, including the new Hikurangi Trench, and recently created Subantarctic Islands marine reserves.

This bill is a step in the right direction. However we have some concerns that the national marine protected areas (MPA) policy and marine protected areas classification, protection standard and implementation guidelines were not applied to the forum process. These were developed by the Ministry of Fisheries and Department of Conservation after public consultation and approval by Ministers. The object-

¹ McGee, David, *Parliamentary Practice in New Zealand*, 3rd ed., Dunmore, Wellington, 2005, p. 314.

ives of the MPA policy have not been met in this bill and the Marine Protected Areas are not as effective as they could be in protecting Kaikōura's treasured marine environment.

Hikurangi Marine Reserve

The Green Party supports the general area of the marine reserve, as the Kaikōura Canyon is nationally and internationally recognised as a hotspot of biodiversity. We note however the small area touching the coast (1.97 kms), irregular shape with twelve sides and the very limited protection of the canyon walls, which are the area with greatest biodiversity in the canyon. These shortcomings limit the conservation efficacy and may make enforcement more difficult. Other submitters such as the Royal Forest and Bird Protection Society noted that the reserve boundaries did not reflect best-practice design principles, the goals of the MPA policy, or international guidelines on protecting marine biodiversity. It is disappointing that the statutory agencies involved in the forum process did not help the forum to implement these.

The committee heard advice from the Department of Conservation that the "...boundaries of the marine reserve may not entirely align with the guidelines for reserve design from the MPA (e.g. low boundary to areas ratios and inadequate size to fully protect the full range of near-shore biodiversity)..." and while we acknowledge the "gifts and gains" process that led to these decisions, we feel MPA guidelines and objectives should be adhered to.

The committee also heard from Dr Nick Shears, Senior Lecturer at the University of Auckland, on behalf of the Marine Sciences Society. The society noted that the proposed reserve only covers a small inshore area, and has an extremely complex boundary that increases the "edge-effects".

These edge effects decrease the effective protected area, meaning the reserve has little benefit for species that move more than a few hundred metres, due to the small coastal area protected; and the complex boundary compromises the overall value of the marine reserve. The Green Party would have preferred a larger and less complex marine reserve shape, as proposed by Dr Shears, which would have been more effective at providing protection and would have complied with MPA guidelines. We note the forum process that led to this shape.

Whale sanctuary

The Green Party supports the proposed whale sanctuary, however would have preferred to see a broader marine mammal sanctuary encompassing more species, including whales, created under the Marine Mammal Protection Act 1978. The broader powers available under that Act would have allowed more effective protection of marine mammals. We note submissions relating to the threatened Hector's dolphin and concern that lethal commercial and recreational set nets would still be allowed in the sanctuary. We feel ignoring other marine mammal species from the sanctuary, particularly threatened species, is short-sighted. The Green members support all type 1 and type 2 seismic surveying being prohibited in the sanctuary.

Summary

The Green members thank the members of Te Korowai and submitters to the select committee, and support this bill. We are concerned, however, that MPA policy objectives have not been met and would support a larger, better shaped reserve, with fewer edge effects, that protected a wider range of habitats and a larger area of coastline. We additionally support stronger marine mammal protections in the whale sanctuary with these applying to other species such as Hector's dolphins.

Appendix

Committee process

The Kaikōura (Te Tai-o-Marokura) Marine Management Bill was referred to the committee on 20 March 2014. The closing date for submissions was 17 April 2014. We received and considered 22 submissions and heard 14 submissions, holding hearings in Kaikōura and Wellington.

We received advice from the Department of Conservation and the Ministry for Primary Industries. The Regulations Review Committee reported to the committee on the powers contained in clause 12.

Committee membership

Maggie Barry (Chairperson)

Kelvin Davis

Jacqui Dean

Paul Goldsmith

Claudette Hauiti

Hon Phil Heatley

Gareth Hughes

Moana Mackey

Eugenie Sage

Su'a William Sio

Andrew Williams

Hon Maurice Williamson

**Kaikōura (Te Tai-o-Marokura) Marine
Management Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

text deleted unanimously

Hon Dr Nick Smith

Kaikōura (Te Tai-o-Marokura) Marine Management Bill

Government Bill

Contents

| | | Page |
|---|---|------|
| 1 | Title | 3 |
| 2 | Commencement | 3 |
| Part 1 | | |
| Preliminary provisions | | |
| 3 | Purpose | 3 |
| 4 | Interpretation | 4 |
| 5 | Act binds the Crown | 5 |
| Part 2 | | |
| Te Tai o Marokura management measures | | |
| Subpart 1AA—Kaikōura Marine Guardians and Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area | | |
| 5A | Kaikōura Marine Guardians established | 6 |
| 5B | Kaikōura Marine Guardians may advise Ministers and persons exercising statutory powers and performing statutory functions | 6 |
| <i>Ministerial review</i> | | |
| 5C | Ministerial review | 7 |
| Subpart 1—Hikurangi Marine Reserve | | |
| 6 | Hikurangi Marine Reserve | 8 |
| 7 | Effect of declaration of marine reserve | 8 |

**Kaikōura (Te Tai-o-Marokura) Marine
Management Bill**

| | | |
|-----|--|----|
| | Subpart 2—Te Rohe o Te Whānau Puha Whale Sanctuary and Ōhau New Zealand Fur Seal Sanctuary <i>Te Rohe o Te Whānau Puha Whale Sanctuary</i> | |
| 9 | Te Rohe o Te Whānau Puha Whale Sanctuary | 9 |
| | <i>Ōhau New Zealand Fur Seal Sanctuary</i> | |
| 10 | Ōhau New Zealand Fur Seal Sanctuary | 9 |
| | <i>Provisions that apply to both sanctuaries</i> | |
| 11 | Provisions that apply to Te Rohe o Te Whānau Puha Whale Sanctuary and Ōhau New Zealand Fur Seal Sanctuary | 9 |
| 11A | Minister of Conservation may vary sanctuary | 10 |
| 12 | Minister of Conservation may impose restrictions in respect of sanctuary | 10 |
| 13 | Restrictions to be imposed following commencement | 11 |
| 14 | Director-General may recover costs of assessing application | 11 |
| 15 | Offences related to sanctuaries | 12 |
| 16 | Application of Marine Mammals Protection Act 1978: offences and enforcement | 12 |
| 16A | Application of Marine Mammals Protection Act 1978: administration of sanctuaries and policies, strategies, and plans | 14 |
| | Subpart 3—Mātaitai reserves and taiāpure-local fisheries <i>Mātaitai reserves declared</i> | |
| 17 | Mangamaunu Mātaitai | 14 |
| 18 | Oaro Mātaitai | 14 |
| 19 | Te Waha o te Marangai Mātaitai | 14 |
| 20 | Appointment of Tangata Tiaki/Kaitiaki for mātaitai reserves | 14 |
| 21 | Effect of declaration of mātaitai reserve | 15 |
| | <i>Taiāpure-local fisheries declared</i> | |
| 22 | Te Taumanu o Te Waka a Māui Taiāpure | 15 |
| 23 | Oaro-Haumuri Taiāpure | 15 |
| 24 | Effect of declarations of taiāpure-local fisheries | 16 |
| | Subpart 5—Consequential amendments | |
| 27 | Amendments to the Fisheries (Amateur Fishing) Regulations 2013 relating to Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area | 17 |
| 28 | Consequential amendments | 17 |

| | |
|---|----|
| Schedule 1AA | 18 |
| Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area | |
| Schedule 1 | 23 |
| Hikurangi Marine Reserve | |
| Schedule 2 | 30 |
| Te Rohe o Te Whānau Puha Whale Sanctuary and Ōhau New Zealand Fur Seal Sanctuary | |
| Schedule 3 | 34 |
| Mātaitai reserves and taiāpure-local fisheries | |
| Schedule 5 | 39 |
| Amendments to Fisheries (Amateur Fishing) Regulations 2013 | |
| Schedule 6 | 50 |
| New Schedule 10A inserted into Fisheries (Amateur Fishing) Regulations 2013 | |
| Schedule 7 | 51 |
| Consequential amendments | |

The Parliament of New Zealand enacts as follows:

1 Title
This Act is the Kaikōura (~~Te Tai-o-Marokura~~Te Tai o
Marokura) Marine Management Act **2014**.

2 Commencement 5
This Act comes into force on the day after the date on which
it receives the Royal assent.

Part 1 **Preliminary provisions**

3 Purpose 10
The purpose of this Act is to—
(a) recognise the local, national, and international import-
ance of the coast and sea around Kaikōura (~~Te Tai-o-~~

- Marokura Te Tai o Marokura**) as a consequence of its unique coastal and marine environment and distinctive biological diversity and cultural heritage:
- (b) provide measures to assist the preservation, protection, and sustainable and integrated management of the coastal and marine environment and biological diversity of Te Tai-o-Marokura Te Tai o Marokura: 5
- (ba) acknowledge the importance of kaitiakitanga and local leadership:
- (bb) establish an advisory committee to provide advice regarding biosecurity, conservation, and fisheries matters within a marine management area: 10
- (c) establish, within Te Tai-o-Marokura Te Tai o Marokura,—
- (iaa) a marine reserve:
- (i) a whale sanctuary: 15
- (ii) a New Zealand fur seal sanctuary:
- (iii) a marine reserve:
- (iv) various taiāpure-local fisheries and mātaimai reserves:
- (v) a marine management area: 20
- (vi) various mātaimai reserves and taiāpure-local fisheries:
- (d) establish an advisory committee to provide advice to the Ministers regarding conservation and fisheries matters within the marine management area: 25
- (e) amend the Fisheries (Amateur Fishing) Regulations 2013 to provide specific regulation of amateur fishing in the marine management area.
- (f) acknowledge the importance of kaitiakitanga and local leadership: 30

4 Interpretation

In this Act, unless the context otherwise requires,—

advisory committee means the Te Tai-o-Marokura Advisory Committee established under **section 25**

conservation and fisheries legislation biosecurity, conservation, and fisheries legislation means the following Acts and any strategy, plan, declaration, programme, regulations, by-

laws, or ~~Gazette~~ notice, or other instrument made under those Acts:

(aa) Biosecurity Act 1993:

(a) Conservation Act 1987:

(b) Fisheries Act 1996: 5

(c) Marine Mammals Protection Act 1978:

(d) Marine Reserves Act 1971:

(e) Reserves Act 1977:

(f) Wildlife Act 1953

Director-General means the Director-General of Conservation 10

Hikurangi Marine Reserve means the marine reserve declared by **section 6**

Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area means the area described in **clause 1 of Schedule 4** 15

Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area means the area described in **clause 1 of Schedule 1AA.**

Ministers means the Minister of Conservation and the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Fisheries Act 1996 20

Ōhau Point New Zealand Fur Seal Sanctuary means the New Zealand fur seal sanctuary declared by **section 10** 25

Te Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary means the whale sanctuary declared by **section 9**

Te Tai-o-Marokura means the coast and sea around Kaikōura.

5 Act binds the Crown

This Act binds the Crown. 30

Part 2**Te Tai-o-Marokura Te Tai o Marokura
management measures****Subpart 1AA—Kaikōura Marine Guardians
and Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area** 5**5A Kaikōura Marine Guardians established**

- (1) This section establishes an advisory committee for Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (2) The advisory committee is named the Kaikōura Marine Guardians. 10
- (3) The Minister of Conservation and the Minister responsible for the administration of the Fisheries Act 1996 may—
- (a) appoint and remove members of the Kaikōura Marine Guardians: 15
- (b) disestablish the Kaikōura Marine Guardians.
- (4) Before appointing or removing any member of the Kaikōura Marine Guardians in accordance with **subsection (3)(a)**, the Ministers must be satisfied that, following the appointment or removal, the following interests and areas of expertise will be represented on the advisory committee: 20
- (a) Te Rūnanga o Ngāi Tahu; and
- (b) the Kaikōura community; and
- (c) biosecurity, conservation, education, environment, fishing, marine science, and tourism. 25
- (5) The Kaikōura Marine Guardians may, subject to any directions given to them by 1 or both of the Ministers, determine their own procedure.
- (6) For the purposes of this section, **member** includes a body corporate. 30

5B Kaikōura Marine Guardians may advise Ministers and persons exercising statutory powers and performing statutory functions

- (1) The Kaikōura Marine Guardians may provide advice on any biosecurity, conservation, or fisheries matter related to the marine and coastal environment within Te Whata Kai o Raki- 35

houia i Te Tai o Marokura—Kaikōura Marine Area to any of the following:

(a) the Minister responsible for the administration of the Biosecurity Act 1993:

(b) the Minister of Conservation: 5

(c) the Minister responsible for the administration of the Fisheries Act 1996:

(d) any person exercising a power or performing a function under the biosecurity, conservation, and fisheries legislation. 10

(2) The Kaikōura Marine Guardians may provide advice under **subsection (1)** on request or on their own initiative.

(3) If the matter relates exclusively to Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, the person receiving the advice must take the advice into account. 15

(4) If the matter also relates to any area outside of Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, the person receiving the advice may, but is not required to, take the advice into account.

Ministerial review 20

5C Ministerial review

(1) The Minister of Conservation and the Minister responsible for the administration of the Fisheries Act 1996 must, before the expiry of 25 years after the commencement of this Act, initiate a review of the operation and effectiveness of the measures specified in **subsection (2)** that are in place at the time of the review. 25

(2) The measures are—

(a) the Kaikōura Marine Guardians established under **section 5A**: 30

(b) the marine reserve established under **section 6**:

(c) the whale sanctuary established under **section 9**:

(d) the New Zealand fur seal sanctuary established under **section 10**:

(e) the mātaihai reserves established under **sections 17, 18, and 19**: 35

- (f) the taiāpure-local fisheries established under **sections 22 and 23.**
- (3) Before initiating a review under **subsection (1)**, the Ministers must consult the Kaikōura Marine Guardians on the terms of reference for the review. 5
- (4) The Ministers must ensure that, as part of the review, there is reasonable opportunity for interested persons to make submissions on the operation and effectiveness of the measures specified in **subsection (2).**
- (5) The Ministers must— 10
- (a) prepare a report on the review; and
- (b) present the report to the House of Representatives.

Subpart 1—Hikurangi Marine Reserve

6 Hikurangi Marine Reserve

- (1) The area described in **clause 1 of Schedule 1** is declared to be a marine reserve. 15
- (2) The marine reserve is named Hikurangi Marine Reserve.

7 Effect of declaration of marine reserve

The marine reserve declared by **section 6** is to be treated as if it were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971. 20

8 Ministerial review of marine reserve

- (1) The Minister of Conservation must, 25 years after the commencement of this Act, initiate a review to determine the effectiveness of Hikurangi Marine Reserve. 25
- (2) The Minister of Conservation must appoint a suitable person or organisation to conduct the review and set the terms of reference for the review.

Subpart 2—Te

~~Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary and Ōhau Point New Zealand Fur Seal Sanctuary~~ Te Rohe o Te Whānau Puha 30

Whale Sanctuary and Ōhau New Zealand
Fur Seal Sanctuary

*Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale
Sanctuary*

Te Rohe o Te Whānau Puha Whale Sanctuary 5

**9 ~~Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale
Sanctuary~~ Te Rohe o Te Whānau Puha Whale Sanctuary**

- (1) The area described in **clause 1 of Schedule 2** is declared to be a whale sanctuary.
- (2) The whale sanctuary is named ~~Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary~~ Te Rohe o Te Whānau Puha Whale Sanctuary. 10

Ōhau Point New Zealand Fur Seal Sanctuary

10 ~~Ōhau Point New Zealand Fur Seal Sanctuary~~

- (1) The area described in **clause 3 of Schedule 2** is declared to be a New Zealand fur seal sanctuary. 15
- (2) The New Zealand fur seal sanctuary is named ~~Ōhau Point New Zealand Fur Seal Sanctuary~~.

Provisions that apply to both sanctuaries

**11 ~~Provisions that apply to Te
Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary
and Ōhau Point New Zealand Fur Seal Sanctuary~~** 20

- (1) **Sections 12 to 16** apply to each sanctuary.
- (2) In this section and **sections 12 to 16**, **sanctuary** means ~~Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary or
Ōhau Point New Zealand Fur Seal Sanctuary~~. 25

**11 Provisions that apply to Te Rohe o Te Whānau Puha Whale
Sanctuary and Ōhau New Zealand Fur Seal Sanctuary**

- (1) **Sections 11A to 16A** apply to each sanctuary.
- (2) In this section and **sections 11A to 16A**, **sanctuary** means Te Rohe o Te Whānau Puha Whale Sanctuary or Ōhau New Zealand Fur Seal Sanctuary. 30

11A Minister of Conservation may vary sanctuary

- (1) The Minister of Conservation may, by a notice in the *Gazette*, vary a sanctuary, but only if the variation has no more than a minor effect or corrects errors or makes minor technical changes. 5
- (2) A *Gazette* notice published in accordance with **subsection (1)** is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 10

12 Minister of Conservation may impose restrictions or vary or abolish sanctuaries in respect of sanctuary

- (1) ~~The Minister of Conservation may, by a notice in the *Gazette*,~~ 15
- (a) ~~impose restrictions in respect of a sanctuary;~~
- (b) ~~vary or abolish a sanctuary.~~
- (1) The Minister of Conservation may, by a notice in the *Gazette*, impose restrictions in respect of a sanctuary.
- (2) A notice imposing a restriction may specify circumstances in which an application for an exemption from the restriction (in whole or in part) may be granted by the Director-General. 20
- (3) ~~Before imposing a restriction or varying or abolishing a sanctuary, the Minister of Conservation must—~~
- (a) ~~publish a notice in the *Gazette* that describes the Minister of Conservation’s proposal to impose a restriction or to vary or abolish the sanctuary (the **proposal**) and calls for submissions on the proposal; and~~ 25
- (b) ~~consider any submissions received within 28 days after the date of publication of the notice describing the proposal; and~~ 30
- (c) ~~obtain any consent required under **subsection (5)**.~~
- (4) **Subsection (5)** applies where the proposal affects any matter within the responsibilities of any other Minister.
- (5) The Minister of Conservation must obtain the consent of the other Minister to the proposal and indicate, in the *Gazette* notice referred to in **subsection (1)**, that the other Minister consents to the proposal. 35

- (6) For the purposes of **subsections (4) and (5)**, other Minister includes the Commissioner of Crown Lands.
- (7) The Minister of Conservation need not comply with **subsections (3) to (5)** before varying restrictions imposed in respect of a sanctuary or before varying a sanctuary, in accordance with **subsection (1)**; where the variation has no more than a minor effect or corrects errors or makes minor technical changes. 5
- (8) A *Gazette* notice published in accordance with **subsection (1)** is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act. 10
- 13 Restrictions to be imposed following commencement**
- (1) Within 1 month after the commencement of this Act, the Minister of Conservation must publish notices in the *Gazette*, under **section 12(1)(a)**, imposing restrictions— 15
- (a) on seismic surveying within ~~Te Rohe-o-Te-Whānau-Puha-Kaikōura Whale Sanctuary~~ Te Rohe o Te Whānau Puha Whale Sanctuary; 20
- (b) on access to ~~Ōhau Point~~ New Zealand Fur Seal Sanctuary.
- (2) **Section 12(3) to (5)** does not apply to the *Gazette* notices referred to in **subsection (1)**.
- 14 Director-General may recover costs of assessing application** 25
- (1) This section applies to any person who applies, in accordance with **section 12(2)**, to the Director-General for an exemption from any restriction imposed under **section 12(1)(a)**.
- (2) The Director-General may require the person to pay any costs incurred by the Director-General in assessing the application. 30
- (3) The Director-General may,—
- (a) before assessing the application, estimate the costs and require the person to pay the estimated costs before the Director-General assesses the application; and 35

- (b) after assessing the application, determine the actual costs and provide a refund or require further payment as appropriate.
- (4) If the costs are wholly or partly unpaid 20 working days after a request for payment, the Director-General may recover the unpaid costs from the person as a debt due. 5

15 Offences related to sanctuaries

- (1) A person commits an offence who—
- (a) fails to comply with a restriction imposed in respect of a sanctuary by a *Gazette* notice under **section 12(1)(a)**; 10
or
- (b) makes any false or misleading statement in any application to the Director-General for an exemption from a restriction.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000. 15
- (3) If a person is convicted of an offence against **subsection (1)** and, on sentencing for that offence, the court is satisfied beyond reasonable doubt that the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised), the person is liable, instead of any other penalty prescribed for the offence, to— 20
- (a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding \$300,000, or both: 25
- (b) in the case of a body corporate, a fine not exceeding \$300,000.

16 Application of Marine Mammals Protection Act 1978: offences and enforcement

- (1) The following provisions of the Marine Mammals Protection Act 1978 apply, with any necessary modifications, to a sanctuary as if the sanctuary were a marine mammal sanctuary declared by a notice in the *Gazette* given under section 22 of that Act: 30
- (a) sections 3A to 3H: 35
- (b) section 22(4) and (5):
- (ba) section 22(5) (powers of constables and rangers):

- (c) section 26(3) (defence where offence occurred in circumstances of stress or emergency and necessary for the preservation, protection, or maintenance of human life);
- (d) section 26A (sentence of community work).
- (2) In relation to a sanctuary, every person declared or appointed to be a Marine Mammals Officer under section 11(1) or (2) of the Marine Mammals Protection Act 1978—
- (a) is entitled to be provided with subsistence and accommodation in accordance with section 12 of that Act;
- (b) may exercise powers of search in accordance with section 13 of that Act;
- (c) may obtain a warrant in accordance with section 14 of that Act;
- (d) is protected (together with the Crown and any person acting under the officer’s instructions) from proceedings in respect of certain actions in accordance with section 15 of that Act.
- (3) For the purposes of **subsections (1) and (2)**,—
- (a) a breach of a restriction imposed by a *Gazette* notice under **section 12(1)(a)** is to be treated as a breach of the Marine Mammals Protection Act 1978; and
- (b) an offence against **section 15** is to be treated as an offence against the Marine Mammals Protection Act 1978.
- (4) **Subsections (5) and (6)** apply where any person causes an officer to incur any expense—
- (a) by that person failing to comply with or acting in contravention of any restriction imposed by a *Gazette* notice under **section 12(1)(a)**; or
- (b) by that person failing to comply with or acting in contravention of any order, direction, requirement, or condition reasonably and properly given or imposed in accordance with this subpart or by a *Gazette* notice under **section 12(1)(a)**.
- (5) The person must reimburse the Crown for the amount of the expense that—
- (a) is reasonably and properly incurred; and
- (b) the officer would not otherwise have incurred.

- (6) The amount is recoverable from the person as a debt due to the Crown.

16A Application of Marine Mammals Protection Act 1978: administration of sanctuaries and policies, strategies, and plans 5

Sections 3A to 3H of the Marine Mammals Protection Act 1978 apply, with any necessary modifications, to a sanctuary as if the sanctuary were a marine mammal sanctuary declared by a notice in the *Gazette* given under section 22 of that Act.

Subpart 3—Mātaitai reserves and taiāpure-local fisheries 10

Mātaitai reserves declared

17 Mangamaunu Mātaitai Reserve

- (1) The area described in **clause 1 of Schedule 3** is declared to be a mātaitai reserve. 15
- (2) The mātaitai reserve is named Mangamaunu Mātaitai Reserve.

18 Oaro Mātaitai Reserve

- (1) The area described in **clause 2 of Schedule 3** is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Oaro Mātaitai Reserve. 20

19 ~~Te Waha-o-te-Marangai Mātaitai Reserve~~ Te Waha o te Marangai Mātaitai

- (1) The area described in **clause 3 of Schedule 3** is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named ~~Te Waha-o-te-Marangai Mātaitai Reserve~~ Te Waha o te Marangai Mātaitai. 25

20 Appointment of Tangata Tiaki/Kaitiaki for mātaitai reserves

- (1) Te Rūnanga o Kaikōura may nominate Tangata Tiaki/Kaitiaki for each mātaitai reserve declared by **sections 17, 18, and 19** by using form 1 in the Schedule of the Fisheries (South 30

Island Customary Fishing) Regulations 1999, modified as necessary.

- (2) The Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Fisheries Act 1996 must appoint the Tangata Tiaki/Kaitiaki nominated by Te Rūnanga o Kaikōura within 20 working days of receiving the nominations. 5

21 Effect of declaration of mātaihai reserve

- (1) A mātaihai reserve declared by **section 17, 18, or 19** is to be treated as if it were declared by a notice in the *Gazette* given under regulation 20 of the Fisheries (South Island Customary Fishing) Regulations 1999 in accordance with those regulations. 10
- (2) An appointment of a Tangata Tiaki/Kaitiaki under **section 20** is to be treated as if it were an appointment under regulation 21 of the Fisheries (South Island Customary Fishing) Regulations 1999 in accordance with those regulations. 15
- (3) Regulation 22(1)(a) and (b) and (2) of the Fisheries (South Island Customary Fishing) Regulations 1999 does not apply to the mātaihai reserves. 20

Taiāpure-local fisheries declared

22 ~~Kaikōura Peninsula Taiāpure-Local Fishery~~ Te Taumanu o Te Waka a Māui Taiāpure

- (1) The area described in **clause 4 of Schedule 3** is declared to be a taiāpure-local fishery. 25
- (2) The taiāpure-local fishery is named ~~Kaikōura Peninsula Taiāpure-Local Fishery~~ Te Taumanu o Te Waka a Māui Taiāpure.

23 ~~Oaro-Haumuri Taiāpure-Local Fishery~~

- (1) The area described in **clause 5 of Schedule 3** is declared to be a taiāpure-local fishery. 30
- (2) The taiāpure-local fishery is named ~~Oaro-Haumuri Taiāpure-Local Fishery~~.

24 Effect of declarations of taiāpure-local fisheries

A taiāpure-local fishery declared by **section 22 or 23** is to be treated as if it were declared by an Order in Council made under section 175 of the Fisheries Act 1996 in accordance with that Act.

5

**Subpart 4—Te Tai-o-Marokura
Advisory Committee and Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area**

25 Te Tai-o-Marokura Advisory Committee established

10

(1) This section establishes an advisory committee for the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area:

(2) The advisory committee is named Te Tai-o-Marokura Advisory Committee.

15

(3) The Ministers may—

(a) appoint and remove members of the advisory committee;

(b) disestablish the advisory committee.

(4) Before appointing or removing any member of the advisory committee in accordance with **subsection (3)(a)**, the Ministers must be satisfied that, following the appointment or removal, the interests of the following will be represented on the advisory committee:

20

(a) iwi; and

25

(b) the Kaikōura community; and

(c) the environment, tourism, and fishing.

(5) The advisory committee may, subject to any directions given to it by the Ministers (or one of them), determine its own procedure.

30

26 Advisory committee may advise Ministers and persons exercising statutory powers and performing statutory functions

(1) The advisory committee may, on request or on the advisory committee's own initiative, provide advice to the Ministers (or one of them) on any conservation or fisheries matter related to

35

- the marine and coastal environment within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- (2) If the matter relates exclusively to the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, the Ministers must take the advisory committee’s advice into account. 5
- (3) If the matter also relates to any area outside of the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, the Ministers may, but are not required to, take the advisory committee’s advice into account. 10
- (4) The advisory committee may provide advice on any matter related to the marine and coastal environment within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area to any person (other than one of the Ministers) exercising a power or performing a function under the conservation and fisheries legislation. 15
- (5) The person may take the advisory committee’s advice into account when exercising the power or performing the function.

Subpart 5—Consequential amendments

- 27 **Amendments to the Fisheries (Amateur Fishing) Regulations 2013 relating to Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area** Amendments to the Fisheries (Amateur Fishing) Regulations 2013 relating to Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area 25
- (1) This section amends the Fisheries (Amateur Fishing) Regulations 2013.
- (2) Amend the provisions set out in **Schedule 5** in the manner set out in that schedule.
- (3) After Schedule 10, insert the **Schedule 10A** set out in **Schedule 6** of this Act. 30
- 28 **Consequential amendments**
Amend the enactments specified in **Schedule 7** as set out in that schedule.

Schedule 1AA**s 4****Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area****1 Description of Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area**

5

Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura
Marine Area comprises all those waters enclosed by a line—

(a) commencing at a point on the mean high-water mark at
Clarence Point (at 42°09.809'S and 173°56.379'E); then

(b) proceeding in a straight line in a south-easterly direction
to a point on the outer limit of the territorial sea (at
42°16.440'S and 174°09.855'E); then

10

(c) proceeding in a south-westerly direction following the
outer limit of the territorial sea to a point at 42°40.715'S
and 173°44.093'E; then

15

(d) proceeding in a straight line in a north-westerly direc-
tion to a point on the mean high-water mark approxi-
mately 300 m north of the mouth of the Conway River
(at 42°36.909'S and 173°28.173'E); then

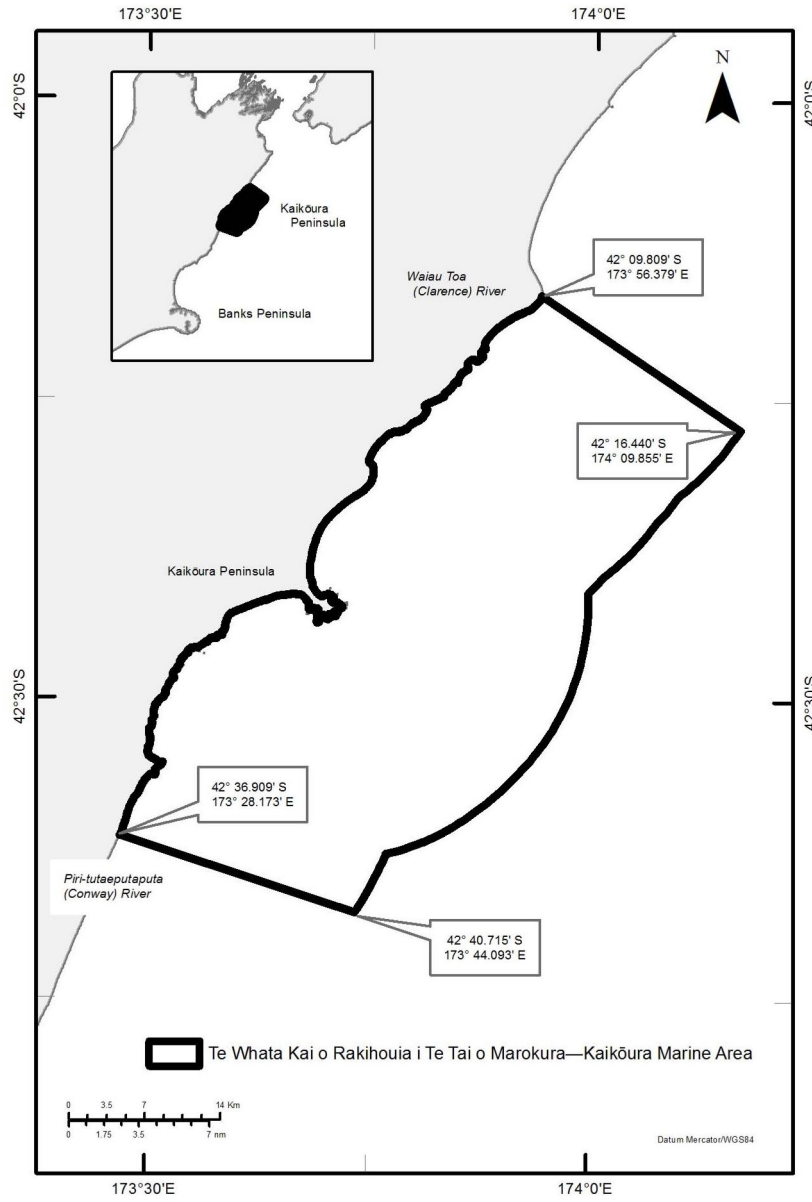
(e) proceeding in a generally north-easterly direction along
the mean high-water mark to the point of commence-
ment.

20

**2 Map of Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area**

The following map is indicative only, and if there is any in-
consistency between the map and the description in **clause 1**
the description prevails.

25



Map of Te Whata Kai o Rākihouia i Te Tai o Marokura—Kaikōura Marine Area

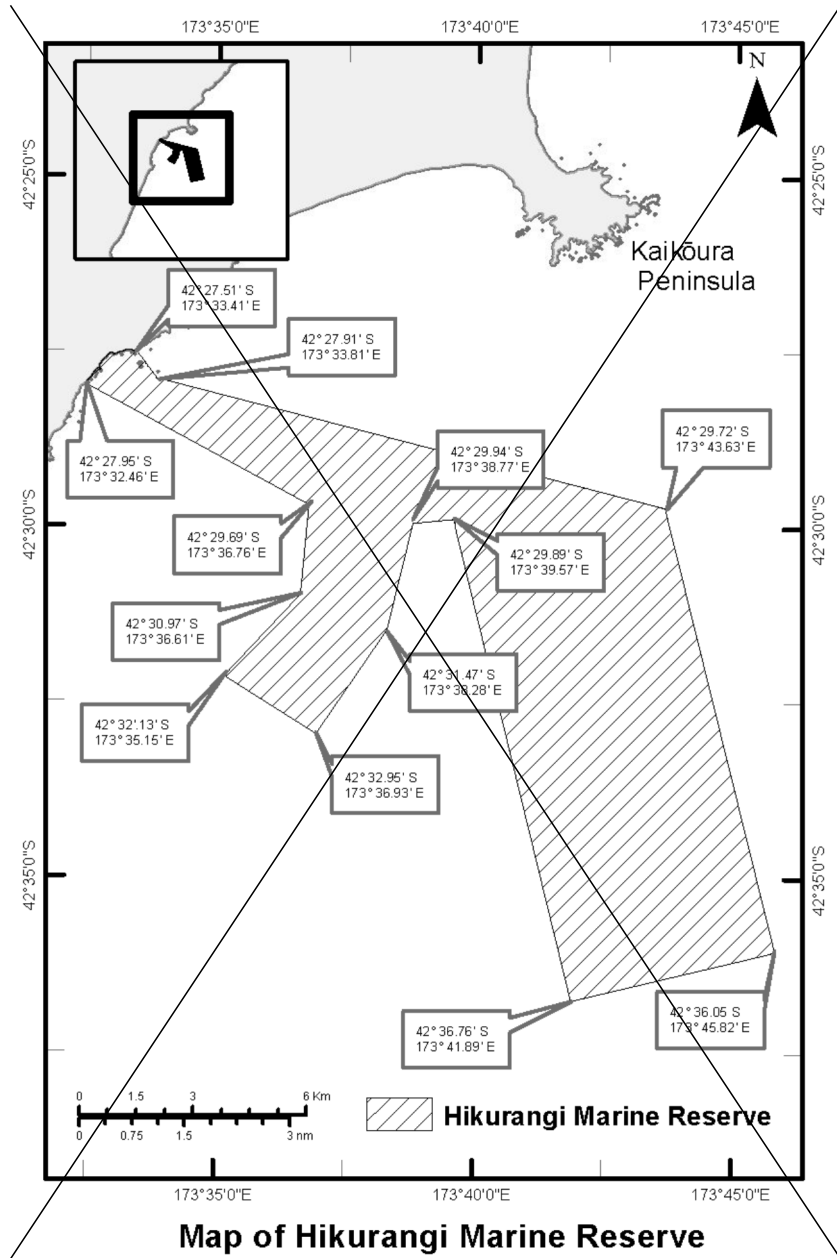
Schedule 1**s 6(1)****Hikurangi Marine Reserve****1 Description of Hikurangi Marine Reserve**

The Hikurangi Marine Reserve comprises all of the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line— 5

- (a) commencing at a point on the mean high-water mark east of Raramai Tunnel (at 42°27.51'S and 173°33.41'E); then
- (b) proceeding in a straight line in a south-easterly direction to a point at 42°27.91'S and 173°33.81'E; then 10
- (c) proceeding in a straight line in a south-easterly direction to a point at 42°29.72'S and 173°43.63'E; then
- (d) proceeding in a straight line in a south-easterly direction to a point at 42°36.05'S and 173°45.82'E; then 15
- (e) proceeding in a straight line in a south-westerly direction to a point at 42°36.76'S and 173°41.89'E; then
- (f) proceeding in a straight line in a north-westerly direction to a point at 42°29.89'S and 173°39.57'E; then
- (g) proceeding in a straight line in a south-westerly direction to a point at 42°29.94'S and 173°38.77'E; then 20
- (h) proceeding in a straight line in a south-westerly direction to a point at 42°31.47'S and 173°38.28'E; then
- (i) proceeding in a straight line in a south-westerly direction to a point at 42°32.95'S and 173°36.93'E; then 25
- (j) proceeding in a straight line in a north-westerly direction to a point at 42°32.13'S and 173°35.15'E; then
- (k) proceeding in a straight line in a north-easterly direction to a point at 42°30.97'S and 173°36.61'E; then
- (l) proceeding in a straight line in a north-easterly direction to a point at 42°29.69'S and 173°36.76'E; then 30
- (m) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark south-west of the Raramai Tunnel (at 42°27.95'S and 173°32.46'E); then 35
- (n) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

2. Map of Hikurangi Marine Reserve

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 4** the description prevails.



Map of Hikurangi Marine Reserve

Schedule 1

s 6(1)

Hikurangi Marine Reserve

1 Description of Hikurangi Marine Reserve

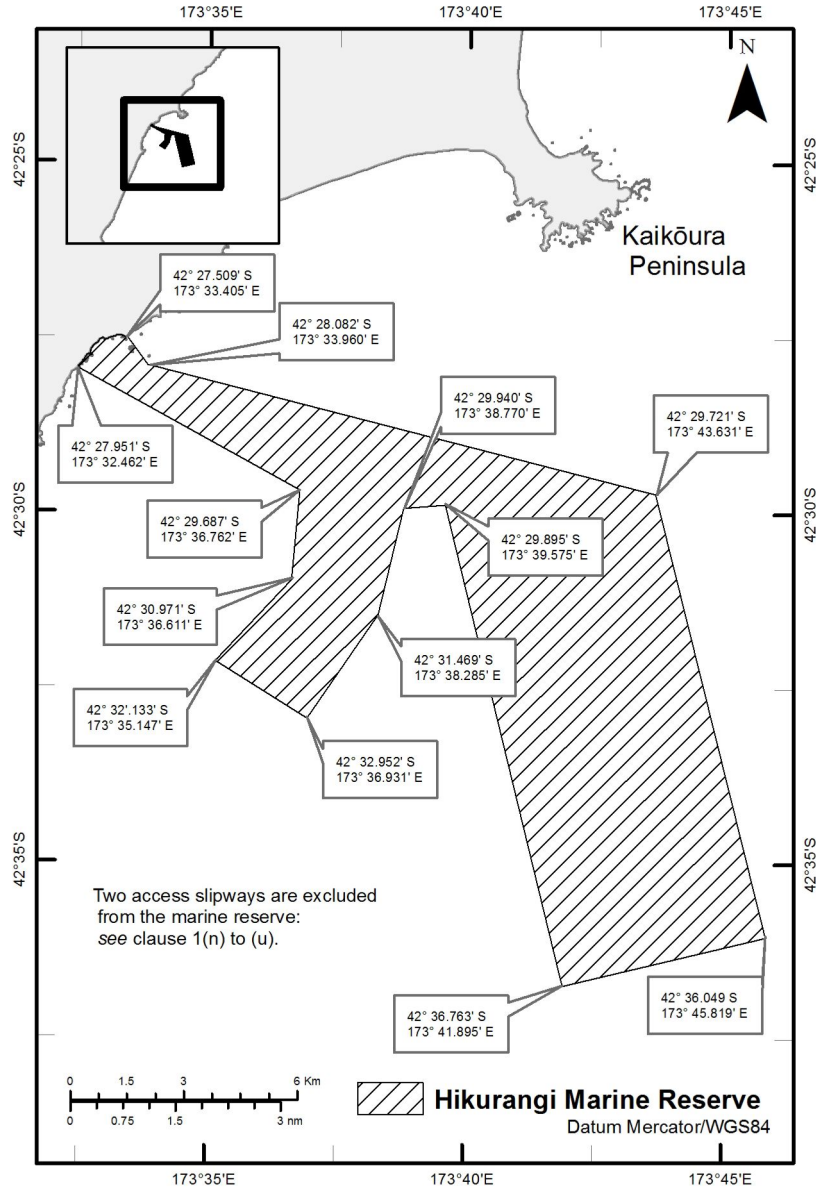
The Hikurangi Marine Reserve comprises all of the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line—

- (a) commencing at a point on the mean high-water mark east of Raramai Tunnel (at $42^{\circ}27.509'S$ and $173^{\circ}33.405'E$); then
- (b) proceeding in a straight line in a south-easterly direction to a point at $42^{\circ}28.082'S$ and $173^{\circ}33.960'E$; then
- (c) proceeding in a straight line in a south-easterly direction to a point at $42^{\circ}29.721'S$ and $173^{\circ}43.631'E$; then
- (d) proceeding in a straight line in a south-easterly direction to a point at $42^{\circ}36.049'S$ and $173^{\circ}45.819'E$; then
- (e) proceeding in a straight line in a south-westerly direction to a point at $42^{\circ}36.763'S$ and $173^{\circ}41.895'E$; then
- (f) proceeding in a straight line in a north-westerly direction to a point at $42^{\circ}29.895'S$ and $173^{\circ}39.575'E$; then
- (g) proceeding in a straight line in a south-westerly direction to a point at $42^{\circ}29.940'S$ and $173^{\circ}38.770'E$; then
- (h) proceeding in a straight line in a south-westerly direction to a point at $42^{\circ}31.469'S$ and $173^{\circ}38.285'E$; then
- (i) proceeding in a straight line in a south-westerly direction to a point at $42^{\circ}32.952'S$ and $173^{\circ}36.931'E$; then
- (j) proceeding in a straight line in a north-westerly direction to a point at $42^{\circ}32.133'S$ and $173^{\circ}35.147'E$; then
- (k) proceeding in a straight line in a north-easterly direction to a point at $42^{\circ}30.971'S$ and $173^{\circ}36.611'E$; then
- (l) proceeding in a straight line in a north-easterly direction to a point at $42^{\circ}29.687'S$ and $173^{\circ}36.762'E$; then
- (m) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark south-west of the Raramai Tunnel (at $42^{\circ}27.951'S$ and $173^{\circ}32.462'E$); then
- (n) proceeding in a generally north-easterly direction along the mean high-water mark to a point on the mean high-water mark at $42^{\circ}27.715'S$ and $173^{\circ}32.700'E$; then

- (o) proceeding in a straight line due east to a point at 42°27.715'S and 173°32.708'E; then
- (p) proceeding in a straight line in a northerly direction to a point at 42°27.711'S and 173°32.709'E; then
- (q) proceeding in a straight line due west to a point on the mean high-water mark at 42°27.711'S and 173°32.702'E; then 5
- (r) proceeding in a generally north-easterly direction along the mean high-water mark to a point at 42°27.496'S and 173°33.311'E; then 10
- (s) proceeding in a straight line in a southerly direction to a point at 42°27.505'S and 173°33.316'E; then
- (t) proceeding in a straight line in an easterly direction to a point at 42°27.504'S and 173°33.320'E; then
- (u) proceeding in a straight line in a northerly direction to a point on the mean high-water mark at 42°27.496'S and 173°33.316'E; then 15
- (v) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement. 20

2 Map of Hikurangi Marine Reserve

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails.



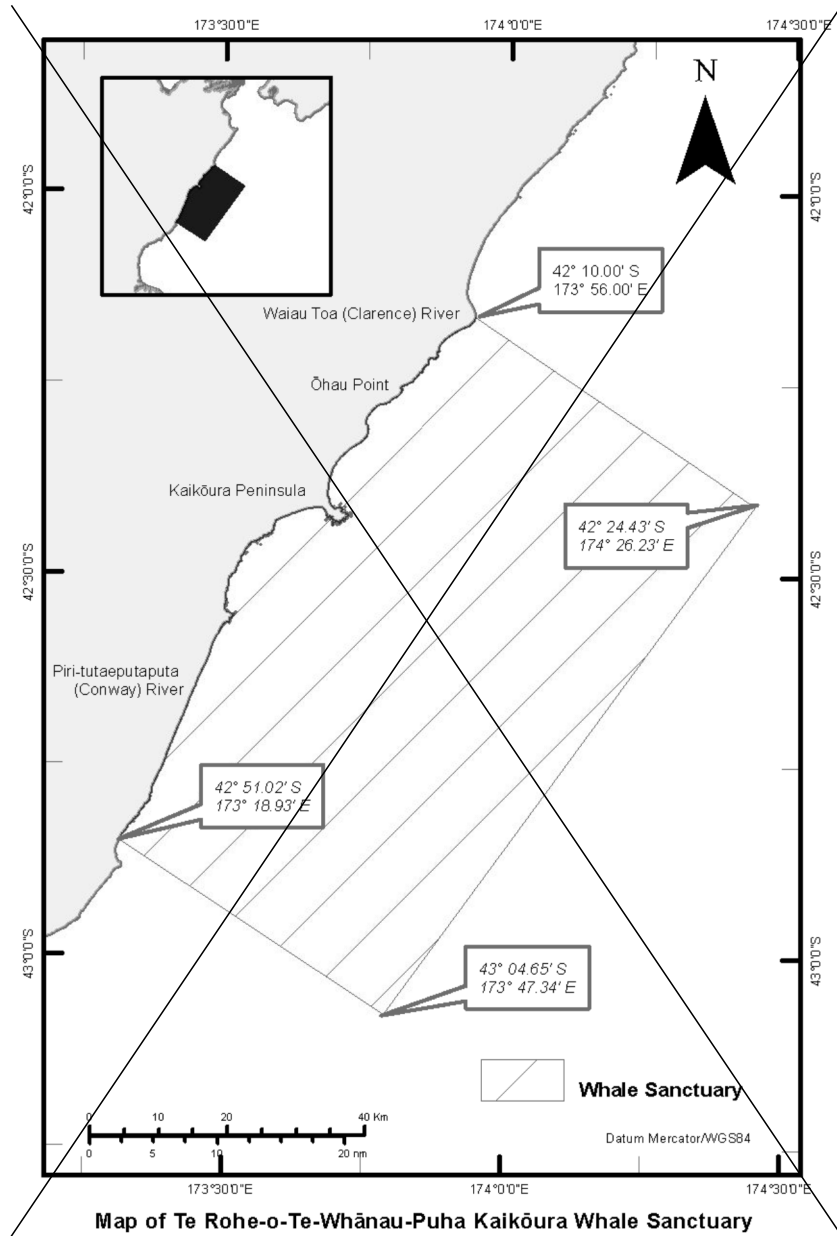
Map of Hikurangi Marine Reserve

Schedule 2

ss 4, 9(1), 10(1)

**Te Rohe-o-Te-Whānau-Puha–Kaikōura
Whale Sanctuary and Ōhau Point New
Zealand Fur Seal Sanctuary**

- 1 Description of Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary** 5
- Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary comprises all of the area enclosed by a line—
- (a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00'S and 173°56.00'E); then 10
 - (b) proceeding in a straight line in a south-easterly direction to a point at 42°24.43'S and 174°26.23'E; then
 - (c) proceeding in a straight line in a south-westerly direction to a point at 43°04.65'S and 173°47.34'E; then
 - (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark near the mouth of the Jed River (at 43°51.02'S and 173°18.97'E); then
 - (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement. 20
- 2 Map of Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary**
- The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails. 25



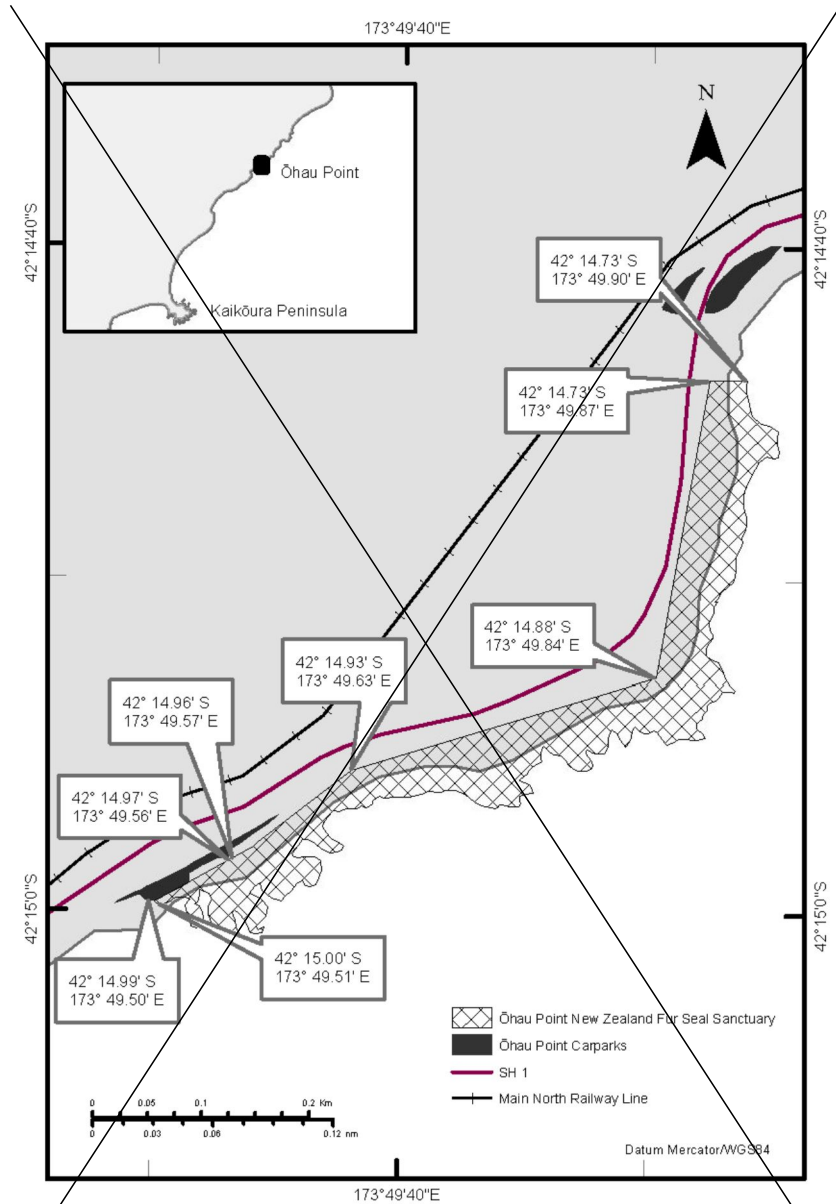
3 Description of Ōhau Point New Zealand Fur Seal Sanctuary

The Ōhau Point New Zealand Fur Seal Sanctuary comprises all of the area enclosed by a line—

- (a) commencing at a point on the mean low-water springs south of the Ōhau Stream (at 42°14.73'S and 173°49.90'E); then
- (b) proceeding in a generally south-westerly direction along the mean low-water springs to a point at 42°15.00'S and 173°49.51'E; then 5
- (c) proceeding in a straight line in a north-westerly direction to a point on land (at 42°14.99'S and 173°49.50'E); then
- (d) proceeding in a straight line in a north-easterly direction to a point at 42°14.97'S and 173°49.56'E; then 10
- (e) proceeding in a straight line in a north-easterly direction to a point at 42°14.96'S and 173°49.57'E; then
- (f) proceeding in a straight line in a north-easterly direction to a point at 42°14.93'S and 173°49.63'E; then 15
- (g) proceeding in a straight line in a north-easterly direction to a point at 42°14.88'S and 173°49.84'E; then
- (h) proceeding in a straight line in a north-easterly direction to a point at 42°14.73'S and 173°49.87'E; then
- (i) proceeding due east to the point of commencement. 20

4 Map of Ōhau Point New Zealand Fur Seal Sanctuary

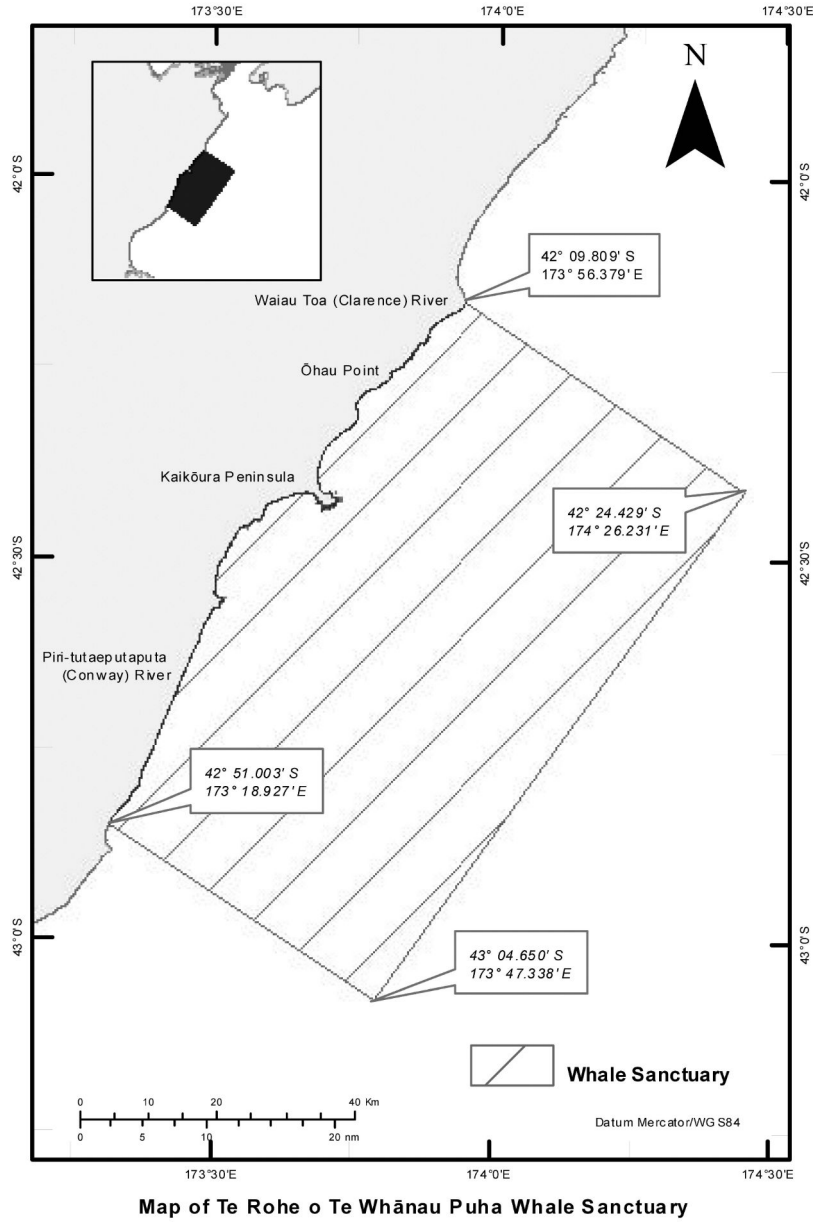
The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 3** the description prevails.



Map of Ōhau Point New Zealand Fur Seal Sanctuary

Schedule 2**ss 9(1), 10(1)****Te Rohe o Te Whānau Puha Whale
Sanctuary and Ōhau New Zealand Fur
Seal Sanctuary**

- 1 Description of Te Rohe o Te Whānau Puha Whale Sanctuary** 5
- Te Rohe o Te Whānau Puha Whale Sanctuary comprises all of the area enclosed by a line—
- (a) commencing at a point on the mean high-water mark at Clarence Point (at 42°09.809'S and 173°56.379'E); then 10
 - (b) proceeding in a straight line in a south-easterly direction to a point at 42°24.429'S and 174°26.231'E; then
 - (c) proceeding in a straight line in a south-westerly direction to a point at 43°04.650'S and 173°47.338'E; then
 - (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark near the mouth of the Jed River (at 42°51.003'S and 173°18.927'E); then 15
 - (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement. 20
- 2 Map of Te Rohe o Te Whānau Puha Whale Sanctuary**
- The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails. 25

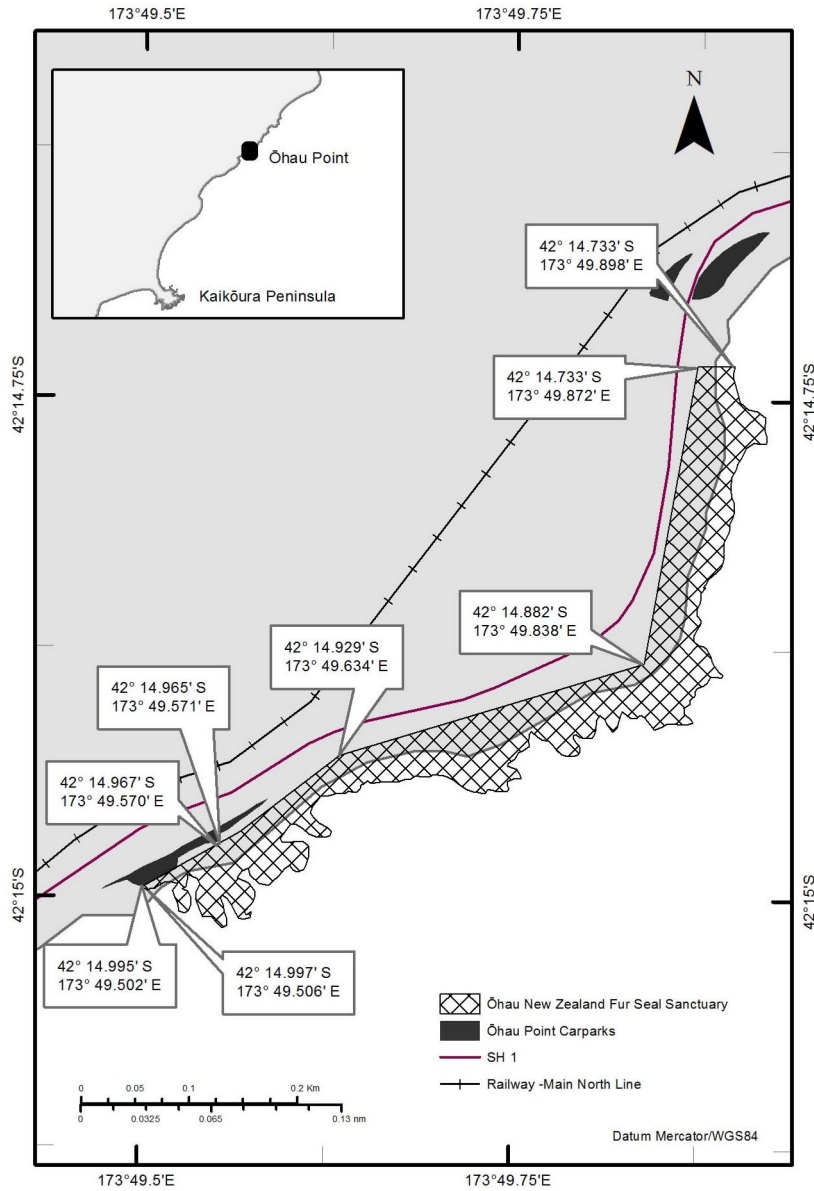


3 Description of Ōhau New Zealand Fur Seal Sanctuary
 The Ōhau New Zealand Fur Seal Sanctuary comprises all of the area enclosed by a line—

- (a) commencing at a point on the mean low-water springs south of the Ōhau Stream (at 42°14.733'S and 173°49.898'E); then
- (b) proceeding in a generally south-westerly direction along the mean low-water springs to a point at 42°14.997'S and 173°49.506'E; then 5
- (c) proceeding in a straight line in a north-westerly direction to a point on land (at 42°14.995'S and 173°49.502'E); then
- (d) proceeding in a straight line in a north-easterly direction to a point at 42°14.967'S and 173°49.570'E; then 10
- (e) proceeding in a straight line in a north-easterly direction to a point at 42°14.965'S and 173°49.571'E; then
- (f) proceeding in a straight line in a north-easterly direction to a point at 42°14.929'S and 173°49.634'E; then 15
- (g) proceeding in a straight line in a north-easterly direction to a point at 42°14.882'S and 173°49.838'E; then
- (h) proceeding in a straight line in a north-easterly direction to a point at 42°14.733'S and 173°49.872'E; then
- (i) proceeding due east to the point of commencement. 20

4 Map of Ōhau New Zealand Fur Seal Sanctuary

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 3** the description prevails.



Map of Ōhau New Zealand Fur Seal Sanctuary

Schedule 3 **ss 17(1), 18(1), 19(1),
22(1), 23(1)**

**Mātaitai reserves and taiāpure-local
fisheries**

Mangamaunu Mātaitai Reserve

- 1 Description of Mangamaunu Mātaitai Reserve** 5
- The Mangamaunu Mātaitai Reserve comprises that part of New Zealand fisheries waters enclosed by a line—
- (a) commencing at a point on the mean high-water mark approximately 1 kilometre south of Mangamaunu (at 42°18.54'S and 173°45.14'E); then 10
 - (b) proceeding due east to a point offshore (at 42°18.54'S and 173°45.23'E); then
 - (c) proceeding due south to a point offshore (at 42°18.63'S and 173°45.23'E); then
 - (d) proceeding due west to a point on the mean high-water mark (at 42°18.63'S and 173°45.16'E); then 15
 - (e) proceeding in a generally ~~north-westerly~~northerly direction along the mean high-water mark to the point of commencement.

Oaro Mātaitai Reserve 20

- 2 Description of Oaro Mātaitai Reserve**
- The Oaro Mātaitai Reserve—comprises that part of New Zealand fisheries waters enclosed by a line—
- (a) commencing at a point on the mean high-water mark north of the mouth of the Oaro River (at 42°30.80'S and 173°30.42'E); then 25
 - (b) proceeding due east to a point offshore (at 42°30.80'S and 173°30.60'E); then
 - (c) proceeding due south to a point offshore (at 42°31.20'S and 173°30.60'E); then 30
 - (d) proceeding due west to a point on the mean high-water mark (at 42°31.20'S and 173°30.30'E); then
 - (e) proceeding in a generally ~~north-easterly~~northerly direction along the mean high-water mark to the point of commencement. 35

Te Waha-o-te-Marangai Mātaitai Reserve
Te Waha o te Marangai Mātaitai

- 3 Description of Te Waha-o-te-Marangai Mātaitai Reserve** 5
- Description of Te Waha o te Marangai Mātaitai**
- Te Waha-o-te-Marangai Mātaitai Reserve—Te Waha o te Marangai Mātaitai comprises that part of New Zealand fisheries waters enclosed by a line—
- (a) commencing at a point on the mean high-water mark north of Kiwa Road approximately 5 km south of Half Moon Bay (at 42°17.12'S and 173°45.69'E); then 10
 - (b) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°17.18'S and 173°45.76'E); then
 - (c) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°17.24'S and 173°45.68'E); then 15
 - (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark (at 42°17.17'S and 173°45.61'E); then
 - (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement. 20

Kaikōura Peninsula Taiāpure-Local Fishery
Taumanu o Te Waka a Māui Taiāpure

- 4 Description of Kaikōura Peninsula Taiāpure-Local Fishery** 25
- Description of Te Taumanu o Te Waka a Māui Taiāpure**
- Kaikōura Peninsula Taiāpure-Local Fishery—Te Taumanu o Te Waka a Māui Taiāpure comprises that area of New Zealand fisheries waters (being estuarine or littoral coastal waters) enclosed by a line—
- (a) commencing at a point on the mean high-water mark at Kaikōura (at 42°24.74'S and 173°41.40'E); then
 - (b) proceeding in a straight line in a north-easterly direction to a point offshore (at 42°24.54'S and 173°42.32'E); then 35

- (c) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°25.35'S and 173°43.84'E); then
- (d) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°26.59'S and 173°41.54'E); then 5
- (e) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark south-east of Ocean Ridge (at 42°24.84'S and 173°39.40'E); then
- (f) proceeding in a generally north-easterly direction, initially in a generally easterly direction, along the mean high-water mark to the point of commencement. 10

Oaro-Haumuri Taiāpure-Local Fishery

5 Description of Oaro-Haumuri Taiāpure-Local Fishery

- The Oaro-Haumuri Taiāpure-Local Fishery comprises that area of New Zealand fisheries waters (being estuarine or littoral coastal waters) enclosed by a line— 15
- (a) commencing at a point on the mean high-water mark north of Oaro (at 42°30.68'S and 173°30.43'E); then
 - (b) proceeding due east to a point offshore (at 42°30.68'S and 173°30.85'E); then 20
 - (c) proceeding in a straight line in a ~~south-westerly~~southerly direction to a point offshore (at 42°32.15'S and 173°30.78'E); then
 - (d) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°33.25'S and 173°31.45'E); then 25
 - (e) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°34.09'S and 173°30.61'E); then 30
 - (f) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark (at 42°33.92'S and 173°30.11'E); then
 - (g) proceeding in a generally ~~north-easterly~~northerly direction along the mean high-water mark to the point of commencement. 35

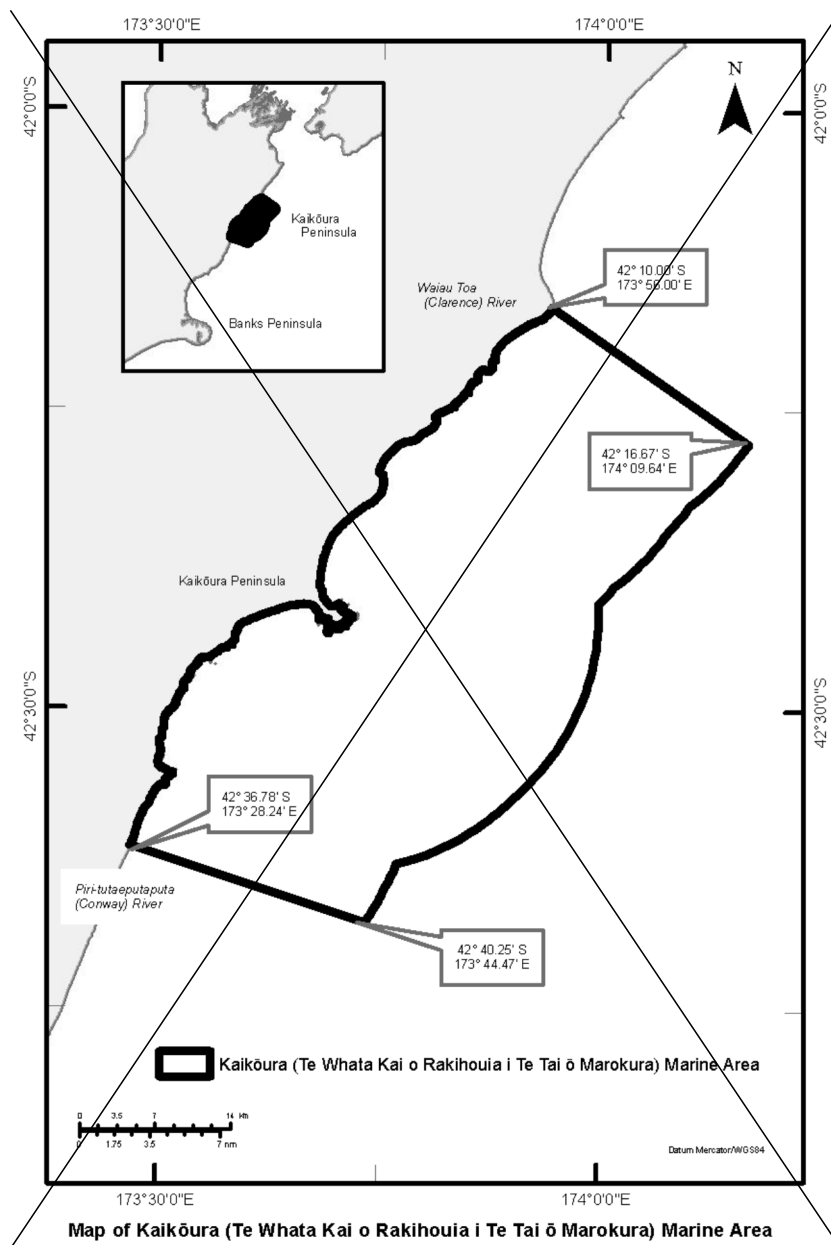
Schedule 4

s 4

**Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area**

- 1 Description of Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area** 5
- The Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area comprises all those waters enclosed by a line— 10
- (a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00'S and 173°56.00'E); then
 - (b) proceeding in a straight line in a south-easterly direction to a point on the outer limit of the territorial sea (at 42°16.67'S and 174°09.64'E); then 15
 - (c) proceeding in a south-westerly direction following the outer limit of the territorial sea to a point at 42°40.25'S and 173°44.47'E; then
 - (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark approximately 300 m north of the mouth of the Conway River (at 42°36.78'S and 173°28.24'E); then 20
 - (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement. 25
- 2 Map of Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area**
- The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** 30
the description prevails:

Kaikōura (Te Tai-o-Marokura) Marine Management Bill



Schedule 5 **s 27(2)**
**Amendments to Fisheries (Amateur
Fishing) Regulations 2013**

Regulation 3

In regulation 3(1), replace “fish or aquatic life” with “fish, aquatic life, or seaweed”. 5

In regulation 3(2), replace “fish or aquatic life” with “fish, aquatic life, or seaweed”.

Regulation 8

In regulation 8, insert in its appropriate alphabetical order: 10

“**albacore** means a fish of the species *Thunnus alalunga*”.

New regulations 123A and 123B and cross-heading

After regulation 123, insert:

*“Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area* 15

*“Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area*

“**123A Daily limits (including individual species limits) in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area** 20

“(1) A person must not, on any day,— 25

“(a) take more than the daily limit for a species of fish or shellfish specified in the table in Schedule 10A (the **daily limit for a species of fish or shellfish**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 30

“(b) possess more than the daily limit for a species of fish or shellfish in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-

New regulations 123A and 123B and cross-heading—continued

- Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
- “(c) possess more than the daily limit for a species of fish or shellfish taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area). 5
- “(2) A person must not, on any day,—
- “(a) take more than a total quantity of 5 albacore, bluenose, hapuku/bass, kingfish, and ling (the **combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 10 15
- “(b) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 20
- “(c) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 25
- “(3) A person must not, on any day,—
- “(a) take more than a total quantity of 1 blue shark, hammerhead shark, mako shark, porbeagle shark, seven gill shark, and thresher shark (the **combined daily limit for game sharks**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 30
- “(b) possess more than the combined daily limit for game sharks in the Kaikōura (Te Whata-Kai-o-Rakihouia-i- 35

New regulations 123A and 123B and cross-heading—continued

- ~~Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or~~
- “(c) possess more than the combined daily limit for game sharks taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 5
- “(4) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for a species of fish or shellfish or the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling or the combined daily limit for game sharks, but not more than 3 times that daily limit. 10
- “(5) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times—
- “(a) the daily limit for a species of fish or shellfish; or 15
- “(b) the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling; or
- “(c) the combined daily limit for game sharks.
- “(6) A person who contravenes—
- “(a) subclause (4) commits an offence and is liable on conviction to a fine not exceeding \$10,000: 20
- “(b) subclause (5) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.
- “**123B Daily limits and restrictions on taking bladder kelp and karengo in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area** 25
- “(1) A person must not, on any day,— 30
- “(a) take more than 5 litres of wet volume of bladder kelp (the **daily limit for bladder kelp**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 35

New regulations 123A and 123B and cross-heading—continued

- “(b) possess more than the daily limit for bladder kelp in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 5
- “(c) possess more than the daily limit for bladder kelp taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 10
- “(2) A person must not, on any day,—
- “(a) take more than 5 litres of wet volume of karengo (the **daily limit for karengo**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 15
- “(b) possess more than the daily limit for karengo in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 20
- “(c) possess more than the daily limit for karengo taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 25
- “(3) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for bladder kelp or the daily limit for karengo, but not more than 3 times that daily limit. 25
- “(4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit for bladder kelp or the daily limit for karengo. 30
- “(5) A person must not take bladder kelp or karengo from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area by any method other than hand-gathering. 35
- “(6) A person who contravenes—

New regulations 123A and 123B and cross-heading—continued

- “(a) subclause (3) or (5) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
- “(b) subclause (4) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000. 5
- “(7) In this regulation,—
- “**5 litres of wet volume** means the amount of fresh seaweed that fits into a 5-litre bucket
- “**bladder kelp** means seaweed of the species *Macrocystis pyrifera* 10
- “**hand-gathering** means the use of the hands to physically take seaweed
- “**karengo** means seaweed of either of the following genera:
- “(a) *Porphyra*; or
- “(b) *Ulva*.” 15

New regulation 125A

After regulation 125, insert:

- “**125A Minimum lengths for blue cod and sea perch taken from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area** 20
- “(1) A person must not—
- “(a) take any blue cod that is less than 33 cm in length from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 25
- “(b) possess any blue cod that is less than 33 cm in length taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 30
- “(2) A person must not—

New regulation 125A—continued

- “(a) take any sea perch that is less than 26 cm in length from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 5
- “(b) possess any sea perch that is less than 26 cm in length taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 10
- “(3) A person who contravenes subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000.”

New regulations 132A and 132B

After regulation 132, insert: 15

- “132A Prohibition on taking or possessing red moki from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area”** 20
- “(1) A person must not—
- “(a) take any red moki from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or 25
- “(b) possess any red moki in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
- “(c) possess any red moki taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area. 30
- “(2) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000. 35

New regulations 132A and 132B—continued

**“132B Requirement to mark spiny rock
lobsters taken from Kaikōura (Te
~~Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura~~)
Marine Area Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area** 5

“(1) A person who takes any spiny rock lobster from the
~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)~~
~~Marine Area Te Whata Kai o Rakihouia i Te Tai o~~
~~Marokura—Kaikōura Marine Area~~ must, on taking the spiny
rock lobster, cut one-third of the telson off the tail fan of the 10
spiny rock lobster.

“(2) A person must not possess any spiny rock lobster taken from
within the ~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-~~
~~Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai~~
~~o Marokura—Kaikōura Marine Area~~ if the spiny rock lobster 15
has not had one-third of the telson cut off its tail fan.

“(3) A person who contravenes subclause (1) or (2) commits an
offence and is liable on conviction to a fine not exceeding
\$10,000.”

New regulation 159A 20

After regulation 159, insert:

**“159A Limitation on defence in relation to possessing
spiny rock lobsters taken from Kaikōura (Te
~~Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura~~)
Marine Area Te Whata Kai o Rakihouia i Te Tai o 25
Marokura—Kaikōura Marine Area**

“(1) The defence set out in regulation 157(1) does not apply to a
charge of possessing more than the daily limit for spiny rock
lobsters if the spiny rock lobsters were taken from within the
~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)~~ 30
~~Marine Area Te Whata Kai o Rakihouia i Te Tai o~~
~~Marokura—Kaikōura Marine Area.~~

“(2) Despite subclause (1), it is a defence to a charge of possessing
more than the daily limit for spiny rock lobsters taken from
within the ~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-~~ 35
~~Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai~~

New regulation 159A—continued

o Marokura—Kaikōura Marine Area if the defendant satisfies the court that—

- “(a) the defendant possessed no more than 18 spiny rock lobsters; and
 - “(b) the daily limit for spiny rock lobsters specified in regulation 13(1) was not exceeded; and 5
 - “(c) in the case of spiny rock lobsters held on board or landed from a vessel, the spiny rock lobsters were held in containers or bags that comply with subclause (3).
- “(3) For the purposes of subclause (2)(c), the containers or bags 10 must—
- “(a) contain only spiny rock lobsters taken on a single day; and
 - “(b) be clearly labelled with a record of—
 - “(i) the individual fisher’s full name; and 15
 - “(ii) the date on which that fisher took the spiny rock lobsters; and
 - “(iii) the number of spiny rock lobsters held in the container or bag.”

Schedule 17

20

In Schedule 17, clause 1, insert in its appropriate alphabetical order:

“**Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area** means all those waters enclosed by a line—

- “(a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00’S and 173°56.00’E); then 25
- “(b) proceeding in a straight line in a south-easterly direction to a point on the outer limit of the territorial sea (at 42°16.67’S and 174°09.64’E); then
- “(c) proceeding in a south-westerly direction following the outer limit of the territorial sea to a point at 42°40.25’S and 173°44.47’E; then 30
- “(d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark approximately 300 m north of the mouth of the Conway River (at 42°36.78’S and 173°28.24’E); then 35

Schedule 17—*continued*

“(e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement

“Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area means all those waters enclosed by a line—

“(a) commencing at a point on the mean high-water mark at Clarence Point (at 42°09.809’S and 173°56.379’E); then

“(b) proceeding in a straight line in a south-easterly direction to a point on the outer limit of the territorial sea (at 42°16.440’S and 174°09.855’E); then

“(c) proceeding in a south-westerly direction following the outer limit of the territorial sea to a point at 42°40.715’S and 173°44.093’E; then

“(d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark approximately 300 m north of the mouth of the Conway River (at 42°36.909’S and 173°28.173’E); then

“(e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement”.

5

10

15

20

Schedule 19

In Schedule 19, Part 5, after the fourth item relating to regulation 123(3), insert:

r 123A(4) Taking or possessing more than the daily limit for species of fish or shellfish in ~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area~~ Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 2 times that daily limit

250

r 123A(4) Taking or possessing more than 2 times the daily limit for species of fish or shellfish in ~~Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area~~ Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 3 times that daily limit

500

Schedule 19—*continued*

| | | |
|------------------|---|-----|
| r 123A(4) | Taking or possessing more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 2 times that combined daily limit | 250 |
| r 123A(4) | Taking or possessing more than 2 times the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 3 times that combined daily limit | 500 |
| r 123A(4) | Taking or possessing more than the combined daily limit for game sharks in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 2 times that combined daily limit | 250 |
| r 123A(4) | Taking or possessing more than 2 times the combined daily limit for game sharks in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 3 times that combined daily limit | 500 |
| r 123B(3) | Taking or possessing more than the daily limit for bladder kelp or karengo in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 2 times that daily limit | 250 |

Schedule 19—*continued*

| | | |
|------------------|---|-----|
| r 123B(3) | Taking or possessing more than 2 times the daily limit for bladder kelp or karengo in <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> , but not more than 3 times that daily limit | 500 |
| r 123B(5) | Taking bladder kelp or karengo from <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> except by hand | 250 |

In Schedule 19, Part 5, after the item relating to regulation 125(1), insert:

| | | |
|------------------|--|-----|
| r 125A(1) | Taking or possessing undersize blue cod from or in <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> | 250 |
| r 125A(2) | Taking or possessing undersize sea perch from or in <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> | 250 |

In Schedule 19, Part 5, after the item relating to regulation 132(1), insert:

| | | |
|------------------|---|-----|
| r 132A(1) | Taking or possessing red moki from or in <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> | 250 |
| r 132B(1) | Failing to cut off one-third of telson from spiny rock lobster taken from <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> | 250 |
| r 132B(2) | Possessing spiny rock lobster without one-third of telson cut off taken from <u>Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</u> | 250 |

Schedule 6**s 27(3)****New Schedule 10A inserted into Fisheries
(Amateur Fishing) Regulations 2013****Schedule 10A**

r 123A(1)

**South-East FMA: limits in Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area**
**South-East FMA: limits in
Te Whata Kai o Rakihouia i Te Tai o
Marokura—Kaikōura Marine Area**

5

| Species | Daily limit (per person) |
|---|---------------------------------|
| Cat's eye | 20 |
| Cockle (whether of the species <i>Chione</i> (<i>Austrovenus</i>) <i>stutchburyi</i> or of the species <i>Protothaca crassicosta</i>) | 50 |
| Kina | 20 |
| Ordinary paua | 6 |
| Yellowfoot paua | 6 |
| Any other shellfish (whether of the same or different species) for which a specific limit is not specified in this schedule or in Schedule 1 | 30 |
| Albacore | 3 |
| Blue cod | 6 |
| Blue moki | 10 |
| Bluenose | 3 |
| Butterfish | 10 |
| Hapuku/bass | 3 |
| Kahawai | 10 |
| Kingfish | 3 |
| Ling | 3 |
| Rig | 3 |
| School shark | 3 |
| Sea perch | 20 |
| Tarakihi | 10 |

Schedule 7

s 28

Consequential amendments

Part 1

Amendments to ActsAmendment to Act

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72) 5

After section 7(2)(g), insert:

“(ga) **Kaikōura (Te Tai-o-MarokuraTe Tai o Marokura) Marine Management Act 2014.**”

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3) 10

After section 47(3)(b), insert:

“(ba) proposals under **section 12** of the **Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014** to vary or abolish a sanctuary.”

Part 2

15

Amendment to regulations

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013 (SR 2013/283)

In regulation 7, insert as subclause (2):

“(2) Subclause (1) does not apply to seismic surveying within Te Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary Te Rohe o Te Whānau Puha Whale Sanctuary established under **section 10** of the **Kaikōura (Te Tai-o-MarokuraTe Tai o Marokura) Marine Management Act 2014.**” 20

Legislative history

17 March 2014
20 March 2014

Introduction (Bill 194–1)
First reading and referral to Local Government and Environment Committee
