

Version  
as at 28 October 2021



# Kaikōura (Te Tai o Marokura) Marine Management Act 2014

Public Act     2014 No 59  
Date of assent     7 August 2014  
Commencement     see section 2

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### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Department of Conservation and the Ministry for Primary Industries.**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.

**2 Commencement**

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

**Part 1  
Preliminary provisions**

**3 Purpose**

The purpose of this Act is to—

- (a) recognise the local, national, and international importance of the coast and sea around Kaikōura (**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:

- (c) acknowledge the importance of kaitiakitanga and local leadership:
- (d) establish an advisory committee to provide advice regarding biosecurity, conservation, and fisheries matters within a marine management area:
- (e) establish, within Te Tai o Marokura,—
  - (i) a marine reserve:
  - (ii) a whale sanctuary:
  - (iii) a New Zealand fur seal sanctuary:
  - (iv) various mātaítai reserves and taiāpure-local fisheries:
- (f) amend the Fisheries (Amateur Fishing) Regulations 2013 to provide specific regulation of amateur fishing in the marine management area.

#### 4 Interpretation

In this Act, unless the context otherwise requires,—

**biosecurity, conservation, and fisheries legislation** means the following Acts and any strategy, plan, declaration, programme, regulations, bylaw, notice, or other instrument made under those Acts:

- (a) Biosecurity Act 1993:
- (b) Conservation Act 1987:
- (c) Fisheries Act 1996:
- (d) Marine Mammals Protection Act 1978:
- (e) Marine Reserves Act 1971:
- (f) Reserves Act 1977:
- (g) Wildlife Act 1953

**Director-General** means the Director-General of Conservation

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

#### 5 Act binds the Crown

This Act binds the Crown.

## Part 2

### Te Tai o Marokura management measures

Subpart 1—Kaikōura Marine Guardians and Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area

#### 6 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.
- (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:
  - (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:
  - (a) Te Rūnanga o Ngāi Tahu; and
  - (b) the Kaikōura community; and
  - (c) biosecurity, conservation, education, environment, fishing, marine science, and tourism.
- (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.

**7 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 Rakihouia 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;
  - (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.
- (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.
- (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***8 Ministerial review**

- (1) The Minister of Conservation and the Minister responsible for the administration of the Fisheries Act 1996 must, before the expiry of 10 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.
- (2) The measures are—
  - (a) the Kaikōura Marine Guardians established under section 6:
  - (b) the marine reserve established under section 9:
  - (c) the whale sanctuary established under section 11:
  - (d) the New Zealand fur seal sanctuary established under section 12:
  - (e) the mātaītai reserves established under sections 21, 22, and 23:
  - (f) the taiāpure-local fisheries established under sections 26 and 27.
- (3) Before initiating a review under subsection (1), the Ministers must consult the Kaikōura Marine Guardians on the terms of reference for the review.
- (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—
  - (a) prepare a report on the review; and
  - (b) present the report to the House of Representatives.

**Subpart 2—Hikurangi Marine Reserve****9 Hikurangi Marine Reserve**

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

**10 Effect of declaration of marine reserve**

The marine reserve declared by section 9 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.

## Subpart 3—Te Rohe o Te Whānau Puha Whale Sanctuary and Ōhau New Zealand Fur Seal Sanctuary

### *Te Rohe o Te Whānau Puha Whale Sanctuary*

#### **11 Te Rohe o Te Whānau Puha Whale Sanctuary**

- (1) The area described in clause 1 of Schedule 3 is declared to be a whale sanctuary.
- (2) The whale sanctuary is named Te Rohe o Te Whānau Puha Whale Sanctuary.

### *Ōhau New Zealand Fur Seal Sanctuary*

#### **12 Ōhau New Zealand Fur Seal Sanctuary**

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

### *Provisions that apply to both sanctuaries*

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

- (1) Sections 14 to 20 apply to each sanctuary.
- (2) In this section and sections 14 to 20, **sanctuary** means Te Rohe o Te Whānau Puha Whale Sanctuary or Ōhau New Zealand Fur Seal Sanctuary.

#### **14 Minister of Conservation may vary sanctuary**

- (1) The Minister of Conservation may, by notice, vary a sanctuary, but only if the variation has no more than a minor effect or corrects errors or makes minor technical changes.
- (2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### **Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 14(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

**15 Minister of Conservation may impose restrictions in respect of sanctuary**

- (1) The Minister of Conservation may, by notice, 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.
- (3) Before imposing a restriction, the Minister of Conservation must—
  - (a) publish a notice in the *Gazette* that describes the Minister of Conservation’s proposal to impose a restriction (the **proposal**) and calls for submissions on the proposal; and
  - (b) consider any submissions received within 28 days after the date of publication of the notice describing the proposal; and
  - (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 notice referred to in subsection (1), that the other Minister consents to the proposal.
- (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 where the variation has no more than a minor effect or corrects errors or makes minor technical changes.
- (8) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

Section 15(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(8): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).



**16 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 15(1), imposing restrictions—
  - (a) on seismic surveying within Te Rohe o Te Whānau Puha Whale Sanctuary;
  - (b) on access to Ōhau New Zealand Fur Seal Sanctuary.
- (2) Section 15(3) to (5) does not apply to the *Gazette* notices referred to in subsection (1).

**17 Director-General may recover costs of assessing application**

- (1) This section applies to any person who applies, in accordance with section 15(2), to the Director-General for an exemption from any restriction imposed under section 15(1).
- (2) The Director-General may require the person to pay any costs incurred by the Director-General in assessing the application.
- (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
  - (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.

**18 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 notice under section 15(1); 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.
- (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—

- (a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding \$300,000, or both:
- (b) in the case of a body corporate, a fine not exceeding \$300,000.

Section 18(1)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## **19 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 given under section 22 of that Act:
  - (a) section 22(5) (powers of constables and rangers):
  - (b) section 26(3) (defence where offence occurred in circumstances of stress or emergency and necessary for the preservation, protection, or maintenance of human life):
  - (c) 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 notice under section 15(1) is to be treated as a breach of the Marine Mammals Protection Act 1978; and
  - (b) an offence against section 18 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 notice under section 15(1); 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 notice under section 15(1).

- (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.

Section 19(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 19(3)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 19(4)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 19(4)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## **20 Application of Marine Mammals Protection Act 1978: administration of sanctuaries and policies, strategies, and plans**

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 given under section 22 of that Act.

Section 20: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### Subpart 4—Mātaitai reserves and taiāpure-local fisheries

#### *Mātaitai reserves declared*

## **21 Mangamaunu Mātaitai**

- (1) The area described in clause 1 of Schedule 4 is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Mangamaunu Mātaitai.

## **22 Oaro Mātaitai**

- (1) The area described in clause 2 of Schedule 4 is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Oaro Mātaitai.

## **23 Te Waha o te Marangai Mātaitai**

- (1) The area described in clause 3 of Schedule 4 is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Te Waha o te Marangai Mātaitai.

## **24 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 21, 22, and 23 by using form 1 in the Schedule of

the Fisheries (South 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.

## **25 Effect of declaration of mātaítai reserve**

- (1) A mātaítai reserve declared by section 21, 22, or 23 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.
- (2) An appointment of a Tangata Tiaki/Kaitiaki under section 24 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.
- (3) Regulation 22(1)(a) and (b) and (2) of the Fisheries (South Island Customary Fishing) Regulations 1999 does not apply to the mātaítai reserves.

### *Taiāpure-local fisheries declared*

## **26 Te Taumanu o Te Waka a Māui Taiāpure**

- (1) The area described in clause 4 of Schedule 4 is declared to be a taiāpure-local fishery.
- (2) The taiāpure-local fishery is named Te Taumanu o Te Waka a Māui Taiāpure.

## **27 Oaro-Haumuri Taiāpure**

- (1) The area described in clause 5 of Schedule 4 is declared to be a taiāpure-local fishery.
- (2) The taiāpure-local fishery is named Oaro-Haumuri Taiāpure.

## **28 Effect of declarations of taiāpure-local fisheries**

A taiāpure-local fishery declared by section 26 or 27 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.

### Subpart 5—Consequential amendments

## **29 Amendments to the Fisheries (Amateur Fishing) Regulations 2013 relating to Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area**

- (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 Consequential amendments**

Amend the enactments specified in Schedule 7 as set out in that schedule.

## Schedule 1

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

s 4

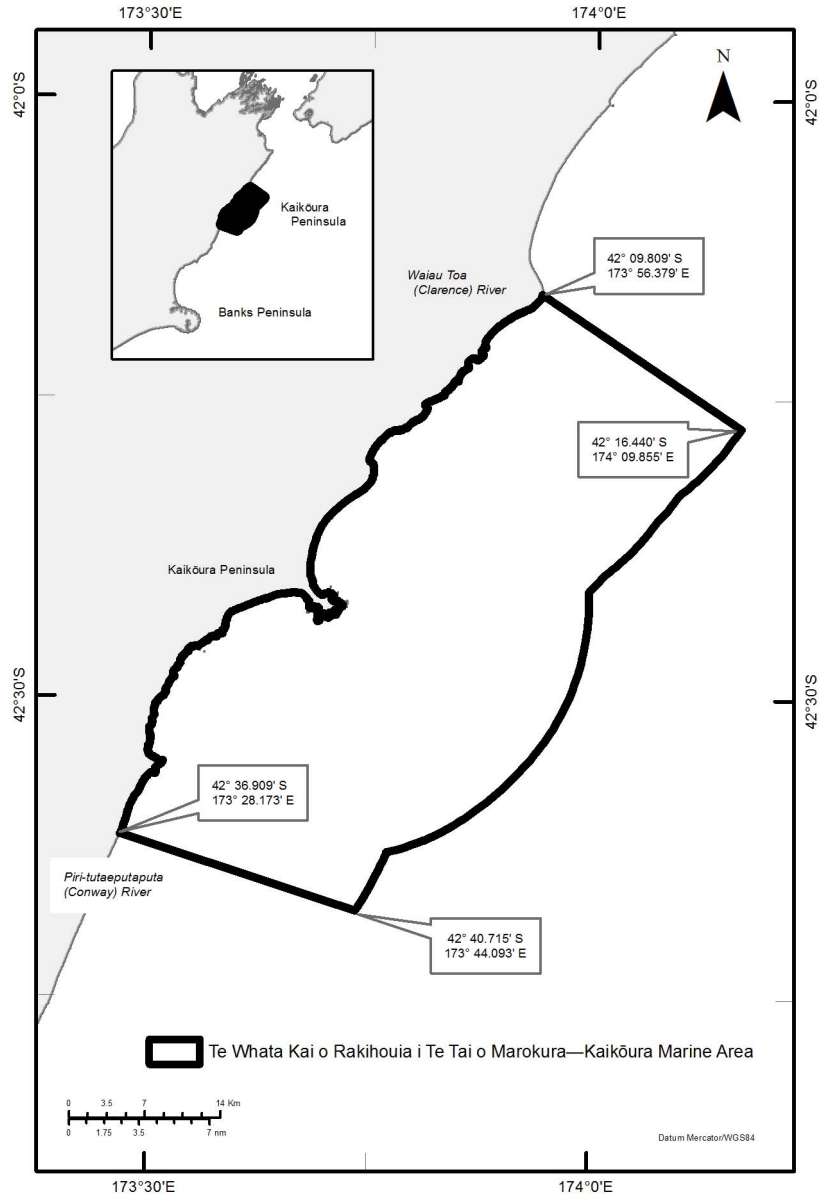
#### 1 Description of Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area

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
- (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.

**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 inconsistency between the map and the description in clause 1 the description prevails.



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

## Schedule 2

### Hikurangi Marine Reserve

s 9(1)

#### 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—

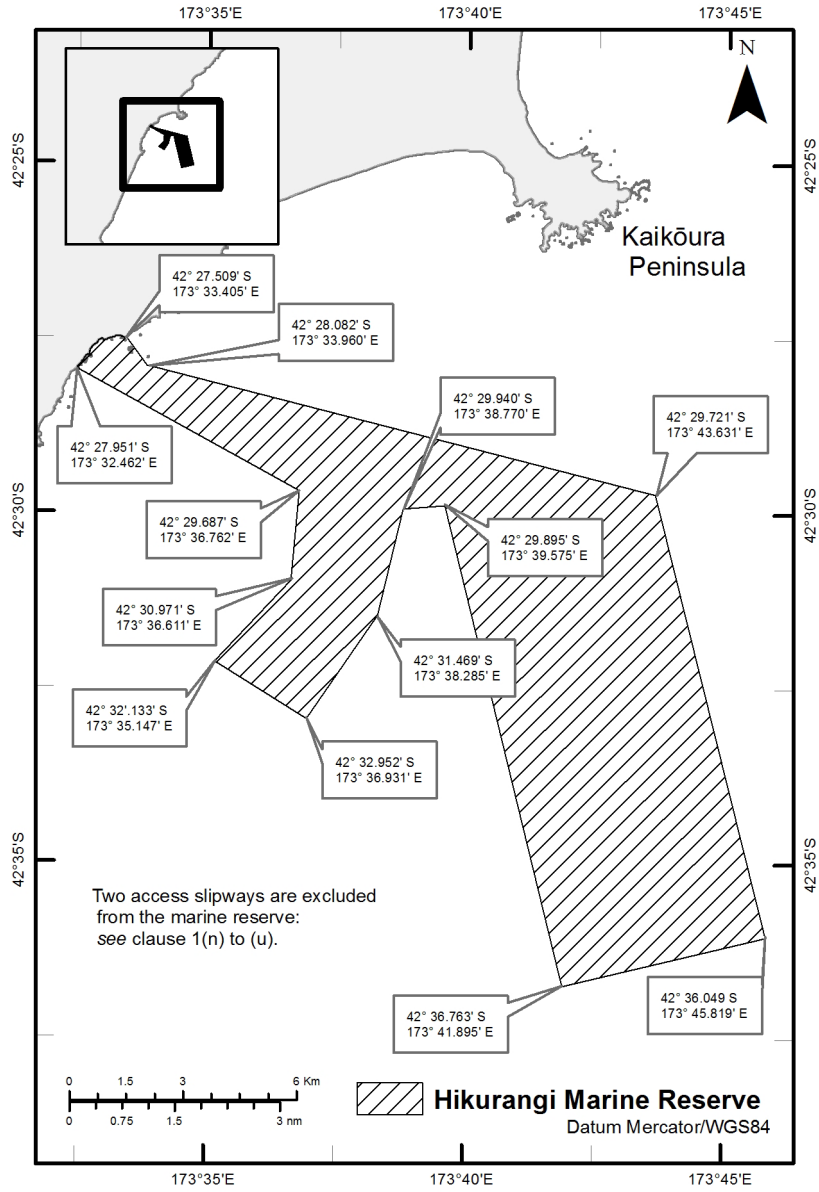
- (a) commencing at a point on the mean high-water mark east of Raramai Tunnel (at 42°27.509'S and 173°33.405'E); then
- (b) proceeding in a straight line in a south-easterly direction to a point at 42°28.082'S and 173°33.960'E; then
- (c) proceeding in a straight line in a south-easterly direction to a point at 42°29.721'S and 173°43.631'E; then
- (d) proceeding in a straight line in a south-easterly direction to a point at 42°36.049'S and 173°45.819'E; then
- (e) proceeding in a straight line in a south-westerly direction to a point at 42°36.763'S and 173°41.895'E; then
- (f) proceeding in a straight line in a north-westerly direction to a point at 42°29.895'S and 173°39.575'E; then
- (g) proceeding in a straight line in a south-westerly direction to a point at 42°29.940'S and 173°38.770'E; then
- (h) proceeding in a straight line in a south-westerly direction to a point at 42°31.469'S and 173°38.285'E; then
- (i) proceeding in a straight line in a south-westerly direction to a point at 42°32.952'S and 173°36.931'E; then
- (j) proceeding in a straight line in a north-westerly direction to a point at 42°32.133'S and 173°35.147'E; then
- (k) proceeding in a straight line in a north-easterly direction to a point at 42°30.971'S and 173°36.611'E; then
- (l) proceeding in a straight line in a north-easterly direction to a point at 42°29.687'S and 173°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°27.951'S and 173°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°27.715'S and 173°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
- (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
- (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
- (v) 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 1 the description prevails.



**Map of Hikurangi Marine Reserve**

**Schedule 3**  
**Te Rohe o Te Whānau Puha Whale Sanctuary and Ōhau New**  
**Zealand Fur Seal Sanctuary**

ss 11(1), 12(1)

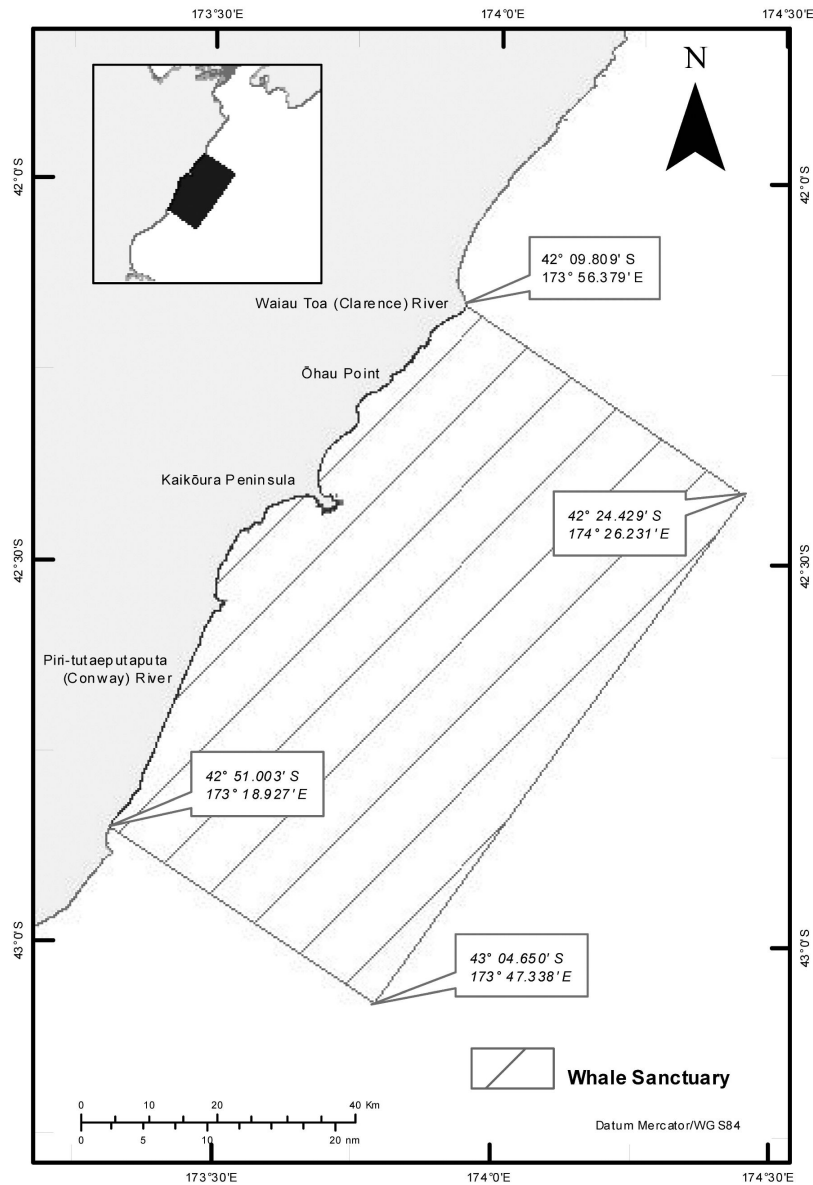
**1 Description of Te Rohe o Te Whānau Puha Whale Sanctuary**

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

## 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.



Map of Te Rohe o Te Whānau Puha Whale Sanctuary

## 3 Description of Ōhau New Zealand Fur Seal Sanctuary

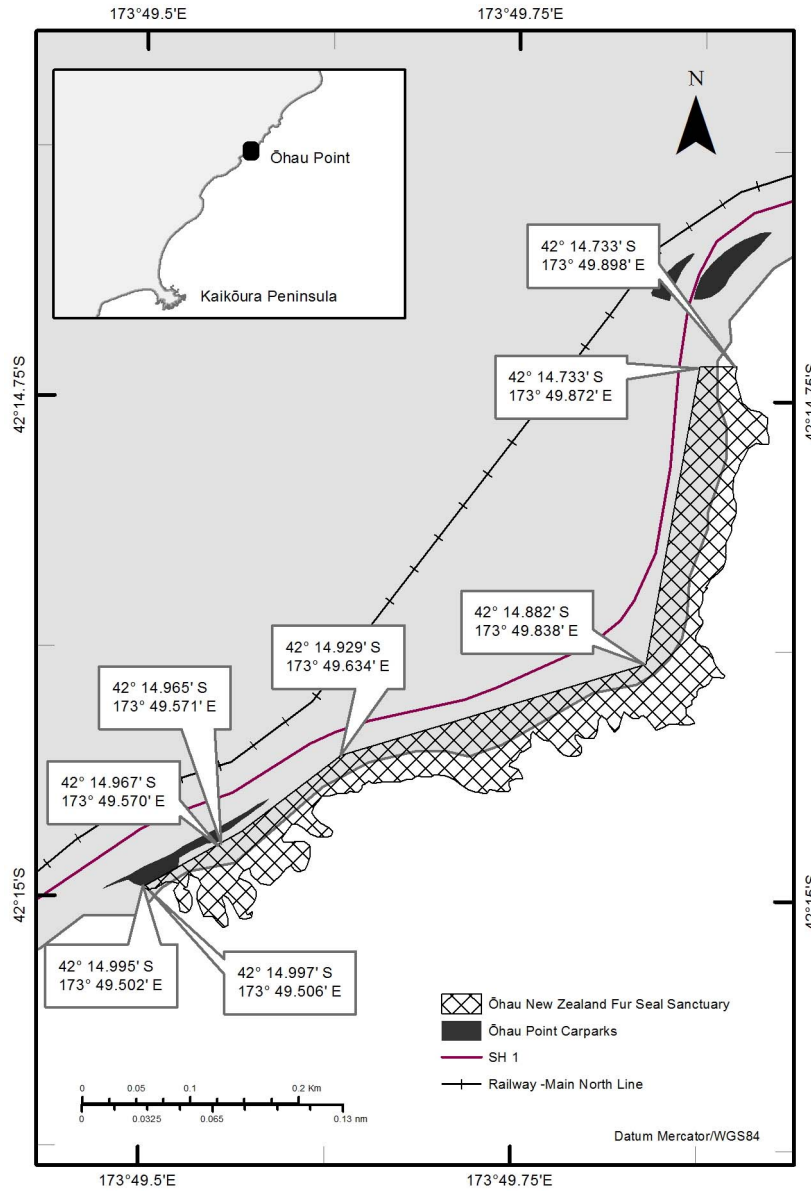
The Ōhau New Zealand Fur Seal Sanctuary comprises all of the area enclosed by a line—

- commencing at a point on the mean low-water springs south of the Ōhau Stream (at  $42^{\circ}14.733'S$  and  $173^{\circ}49.898'E$ ); 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
- (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
- (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
- (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.

**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 4 Mātaitai reserves and taiāpure-local fisheries

ss 21(1), 22(1), 23(1), 26(1), 27(1)

### *Mangamaunu Mātaitai*

#### **1 Description of Mangamaunu Mātaitai**

The Mangamaunu Mātaitai 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
- (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
- (e) proceeding in a generally northerly direction along the mean high-water mark to the point of commencement.

### *Oaro Mātaitai*

#### **2 Description of Oaro Mātaitai**

The Oaro 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 the mouth of the Oaro River (at 42°30.80'S and 173°30.42'E); then
- (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
- (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 northerly direction along the mean high-water mark to the point of commencement.

### *Te Waha o te Marangai Mātaitai*

#### **3 Description of Te Waha o te Marangai Mātaitai**

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 approximately 5 km south of Half Moon Bay (at 42°17.12'S and 173°45.69'E); then
- (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
- (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.

*Te Taumanu o Te Waka a Māui Taiāpure*

**4 Description of Te Taumanu o Te Waka a Māui Taiāpure**

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
- (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
- (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, initially in a generally easterly direction, along the mean high-water mark to the point of commencement.

*Oaro-Haumuri Taiāpure*

**5 Description of Oaro-Haumuri Taiāpure**

The Oaro-Haumuri 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 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
- (c) proceeding in a straight line in a 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
- (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
- (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 northerly direction along the mean high-water mark to the point of commencement.

## Schedule 5

### Amendments to Fisheries (Amateur Fishing) Regulations 2013

s 29(2)

#### Regulation 3

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

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:

**albacore** means a fish of the species *Thunnus alalunga*

#### New regulations 123A and 123B and cross-heading

After regulation 123, insert:

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

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

- (1) A person must not, on any day,—
  - (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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess more than the daily limit for a species of fish or shellfish in 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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area).
- (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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (c) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (3) A person must not, on any day,—

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

- (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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess more than the combined daily limit for game sharks in 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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (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.
- (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
  - (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:
  - (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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area**

- (1) A person must not, on any day,—
- (a) take more than 5 litres of wet volume of bladder kelp (the **daily limit for bladder kelp**) from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess more than the daily limit for bladder kelp in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (c) possess more than the daily limit for bladder kelp taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (2) A person must not, on any day,—

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

- (a) take more than 5 litres of wet volume of karengo (the **daily limit for karengo**) from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess more than the daily limit for karengo in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (c) possess more than the daily limit for karengo taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (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.
- (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.
- (5) A person must not take bladder kelp or karengo from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area by any method other than hand-gathering.
- (6) A person who contravenes—
- (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.
- (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*
- 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*.

**New regulation 125A**

After regulation 125, insert:

**125A Minimum lengths for blue cod and sea perch taken from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area**

- (1) A person must not—
- (a) take any blue cod that is less than 33 cm in length from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or

**New regulation 125A—*continued***

- (b) possess any blue cod that is less than 33 cm in length taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (2) A person must not—
  - (a) take any sea perch that is less than 26 cm in length from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area; or
  - (b) possess any sea perch that is less than 26 cm in length taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.
- (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:

**132A Prohibition on taking or possessing red moki from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area**

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

**132B Requirement to mark spiny rock lobsters taken from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area**

- (1) A person who takes any spiny rock lobster from 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 spiny rock lobster.
- (2) A person must not possess any spiny rock lobster taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area if the spiny rock lobster 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**

After regulation 159, insert:

**New regulation 159A—continued****159A Limitation on defence in relation to possessing spiny rock lobsters taken from Te Whata Kai o Rakihouia i Te Tai o 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 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 Te Whata Kai o Rakihouia i Te Tai 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
  - (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 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
    - (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**

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

**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

**Schedule 17**—*continued*

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

**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 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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 3 times that daily limit	500
r 123A(4)	Taking or possessing more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in 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 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 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 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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 2 times that daily limit	250
r 123B(3)	Taking or possessing more than 2 times the daily limit for bladder kelp or karengo in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area, but not more than 3 times that daily limit	500
r 123B(5)	Taking bladder kelp or karengo from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area 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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area	250
r 125A(2)	Taking or possessing undersize sea perch from or in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area	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 Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area	250
r 132B(1)	Failing to cut off one-third of telson from spiny rock lobster taken from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area	250
r 132B(2)	Possessing spiny rock lobster without one-third of telson cut off taken from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area	250

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

s 29(3)

<b>Schedule 10A</b>	
<b>South-East FMA: limits in Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area</b>	
<b>Species</b>	<b>Daily limit (per person)</b>
Cat's eye	20
Cockle (whether of the species <i>Chione (Austrovenus) 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 Consequential amendments**

s 30

### **Part 1 Amendment to Act**

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

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

(ga) Kaikōura (Te Tai o Marokura) Marine Management Act 2014:

### **Part 2 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 Whale Sanctuary established under section 11 of the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.

## Notes

### **1** *General*

This is a consolidation of the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3