



Fisheries (Hector's and Māui Dolphin) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of August 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 15, 297, and 298 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Fisheries, made after complying with sections 12(1) and 15(2) of that Act.

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Regulations**1 Title**

These regulations are the Fisheries (Hector's and Māui Dolphin) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 1 October 2020.

Part 1**Amendments to Fisheries (Amateur Fishing) Regulations 2013****3 Amendments to Fisheries (Amateur Fishing) Regulations 2013**

This Part amends the Fisheries (Amateur Fishing) Regulations 2013.

4 Regulation 9 amended (Interpretation: fishing gear and methods)

- (1) In regulation 9, definition of **drift net**, replace paragraphs (b) and (c) with:
- (b) acts by drifting in the water or on the surface of the water in a manner primarily determined by the natural flow of the water or current; and
 - (c) is not attached to—
 - (i) any point of land; or
 - (ii) the seabed or riverbed
- (2) In regulation 9, insert in its appropriate alphabetical order:
- ring net** means a net that—
- (a) is operated from a vessel in the following manner:

- (i) a net is laid to surround (whether fully or partially) a school of fish; and
- (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (b) has a buoyancy system on the top edge and is weighted on the bottom edge

(3) In regulation 9, definition of **set net**, after “gill net”, insert “, ring net,”.

5 New regulation 41A inserted (Use of drift nets prohibited)

After regulation 41, insert:

41A Use of drift nets prohibited

- (1) A person must not use a drift net for fishing in New Zealand fisheries waters.
- (2) A person who contravenes subclause (1) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

6 Regulation 76 amended (Prohibition on using set net in certain areas)

In regulation 76(2), after “set net”, insert “for fishing”.

7 Regulation 77 revoked (Prohibition on using drift net in Port Waikato)

Revoke regulation 77.

8 Regulation 90 replaced (Prohibition on using set net from Tirua Point to Pariokariwa Point)

Replace regulation 90 with:

90 Prohibition on using set net in certain areas

- (1) A person must not use a set net for fishing from Tirua Point to Waiwhakaiho River.
- (2) A person must not use a set net for fishing from Waiwhakaiho River to Hawera.
- (3) A person must not use a set net for fishing from Hawera to Wellington.
- (4) A person who contravenes subclause (1), (2), or (3) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

9 New regulation 114A inserted (Restriction on using set net in waters from Farewell Spit to Cape Soucis)

After regulation 114, insert:

114A Restriction on using set net in waters from Farewell Spit to Cape Soucis

- (1) A person must not use a set net for fishing in the waters from Farewell Spit to Cape Soucis.

- (2) A person who contravenes subclause (1) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

10 New Part 7C inserted

After regulation 155N, insert:

Part 7C
Fishing-related mortality limit of Hector's or Māui Dolphin in defined area

155O Māui Dolphin habitat zone

In these regulations, the **Māui Dolphin habitat zone** means the waters within the area bounded by a line—

- (a) commencing at the Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E); then
- (b) proceeding due west to the outer limit of the Territorial Sea (at 39°16.575'S and 173°29.583'E); then
- (c) proceeding in a generally northerly direction along the outer limit of the Territorial Sea to a point (at 34°13.193'S and 172°40.780'E); then
- (d) proceeding due south to Cape Reinga (at 34°25.210'S and 172°40.780'E); then
- (e) proceeding in a generally southerly direction along the mean high-water mark of the west coast of the North Island to the starting point at Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E).

155P Fishing-related mortality limit for Hector's or Māui Dolphin within Māui Dolphin habitat zone

- (1) The fishing-related mortality limit for a Hector's or Māui Dolphin within the Māui Dolphin habitat zone is 1.
- (2) In this regulation, a **Hector's or Māui Dolphin** means a dolphin of the subspecies *Cephalorhynchus hectori hectori* or *Cephalorhynchus hectori maui*.

11 Schedule 14 amended

- (1) In Schedule 14, replace clause 2(1)(l) with:

- (l) Northwest coast, comprising—
 - (i) Cape Reinga; and
 - (ii) Cape Reinga–Maunganui Bluff.

- (2) In Schedule 14, clause 2(2), insert in their appropriate alphabetical order:

Cape Reinga means the waters lying within 1 nautical mile from the northernmost extremity of Cape Reinga (at 34°25.210'S and 172°40.780'E)

Cape Reinga–Maunganui Bluff means all those waters lying within an area bounded by a line—

- (a) commencing at the northernmost extremity of Cape Reinga (at 34°25.210'S and 172°40.780'E); then
- (b) proceeding in a generally southerly direction by the mean high-water mark to the north head of Herekino Harbour (at 35°17.524'S and 173°09.685'E); then
- (c) proceeding in a straight line to the south head of Herekino Harbour (at 35°17.680'S and 173°09.518'E); then
- (d) proceeding by the mean high-water mark to the north head of Whangape Harbour (at 35°22.706'S and 173°12.899'E); then
- (e) proceeding in a straight line to the south head of Whangape Harbour (at 35°22.917'S and 173°13.131'E); then
- (f) proceeding by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.392'S and 173°21.395'E); then
- (g) proceeding in a straight line to the south head of Hokianga Harbour (at 35°32.008'S and 173°22.045'E); then
- (h) proceeding in a southerly direction along the mean high-water mark to Maunganui Bluff (at 35°45.540'S and 173°33.304'E); then
- (i) proceeding due west to a point offshore (at 35°45.540'S and 173°27.572'E); then
- (j) proceeding in a generally northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 34°21.200'S and 172°40.780'E); then
- (k) proceeding due south to the starting point at Cape Reinga (at 34°25.210'S and 172°40.780'E)

(3) In Schedule 14, clause 2(2), revoke the definition of **Tauroa (Reef) Point–Whangape Harbour**.

(4) In Schedule 14, replace clause 3 with:

3 Definition of Maunganui Bluff–Tirua Point set net prohibition area

(1) In these regulations, unless the context otherwise requires, **Maunganui Bluff–Tirua Point set net prohibition area** means all those waters enclosed by a line—

- (a) commencing at Maunganui Bluff (at 35°45.540'S and 173°33.304'E); then
- (b) proceeding in a generally southerly direction by the mean high-water mark to Kaipara Harbour–Pouto Point light (at 36°21.760'S and 174°10.870'E); then

- (c) proceeding in a straight line to Kaipara Harbour–South Head light (at 36°25.675'S and 174°14.116'E); then
- (d) proceeding in a westerly direction by the mean high-water mark to the north-westernmost point of the south head of Kaipara Harbour (at 36°25.670'S and 174°13.940'E); then
- (e) proceeding in a straight line to Papakanui Spit east (at 36°25.710'S and 174°13.210'E); then
- (f) proceeding in a straight line to Papakanui Spit west (at 36°25.997'S and 174°12.442'E); then
- (g) proceeding in a southerly direction by the mean high-water mark to Taumatara Point (at 36°58.758'S and 174°37.954'E) on the northern side of Manukau Harbour; then
- (h) proceeding in a straight line to Channel Marker No 4 in Manukau Harbour (at 37°02.000'S and 174°42.100'E); then
- (i) proceeding in a straight line to Matakawau Point (at 37°06.360'S and 174°40.136'E); then
- (j) proceeding in a southerly direction by the mean high-water mark to a point on the northern side of the Waikato River (at 37°22.590'S and 174°43.940'E); then
- (k) proceeding in a straight line to the jetty on the south of the Waikato River (at 37°23.160'S and 174°43.940'E); then
- (l) proceeding in a southerly direction by the mean high-water mark to a point on the northern side of Raglan Harbour (at 37°47.740'S and 174°51.540'E); then
- (m) proceeding in a straight line to Putoetoe Point (at 37°48.010'S and 174°51.870'E); then
- (n) proceeding in a southerly direction by the mean high-water mark to Potahi Point at Aotea Harbour (at 38°00.431'S and 174°47.762'E); then
- (o) proceeding in a straight line to Kahua Point at Aotea Harbour (at 38°02.229'S and 174°47.070'E); then
- (p) proceeding in a southerly direction by the mean high-water mark to Kawhia Harbour at Tauratahi Point (at 38°04.985'S and 174°47.043'E); then
- (q) proceeding by a straight line to Urawitiki Point (at 38°05.370'S and 174°46.220'E); then
- (r) proceeding in a southerly direction by the mean high-water mark to Tirua Point (at 38°23.222'S and 174°38.048'E); then
- (s) proceeding in a north-westerly direction along the Auckland (West) FMA boundary to a point (at 38°20.619'S and 174°23.144'E); then

- (t) proceeding in a generally northerly direction at a distance of 12 nautical miles from the mean high-water mark to a point (at 35°45.540'S and 173°14.610'E); then
 - (u) proceeding due east to the starting point at Maunganui Bluff (at 35°45.540'S and 173°33.304'E).
- (2) For the purposes of the definition of Maunganui Bluff–Tirua Point set net prohibition area, a straight line joining the mean high-water mark at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seaward or as the outer boundary of that area if it extends landward, except in the case of any harbours or rivers for which specific co-ordinates are provided.

12 Schedule 15 amended

- (1) In Schedule 15, clause 1, insert in their appropriate alphabetical order:

Hawera to Wellington means all those waters enclosed by a line—

- (a) commencing from a point south of Hawera (at 39°37.133'S and 174°16.500'E); then
- (b) proceeding in a generally southerly direction along the mean high-water mark to the western bank of the Patea River (at 39°46.330'S and 174°29.319'E); then
- (c) proceeding in a straight line to the eastern bank of the Patea River (at 39°46.375'S and 174°29.454'E); then
- (d) proceeding in a generally southerly direction along the mean high-water mark to the western bank of the Waitotara River (at 39°50.943'S and 174°41.006'E); then
- (e) proceeding in a straight line to the eastern bank of the Waitotara River (at 39°51.079'S and 174°41.288'E); then
- (f) proceeding in a generally southerly direction along the mean high-water mark to the western bank of the Whanganui River at the City Bridge (at 39°56.109'S and 175°03.349'E); then
- (g) proceeding in a straight line to the eastern bank of the Whanganui River (at 39°56.176'S and 175°03.463'E); then
- (h) proceeding in a generally southerly direction along the mean high-water mark to the western bank of the Whangaehu River (at 40°02.148'S and 175°05.788'E); then
- (i) proceeding in a straight line to the eastern bank of the Whangaehu River (at 40°02.433'S and 175°06.237'E); then
- (j) proceeding in a generally southerly direction along the mean high-water mark to the northern bank of the Rangitikei River (at 40°17.258'S and 175°13.441'E); then

- (k) proceeding in a straight line to the southern bank of the Rangitikei River (at 40°18.031'S and 175°13.692'E); then
- (l) proceeding in a generally southerly direction along the mean high-water mark to the northern bank of the Manawatu River (at 40°28.000'S and 175°13.419'E); then
- (m) proceeding in a straight line to the southern bank of the Manawatu River (at 40°28.708'S and 175°13.230'E); then
- (n) proceeding in a generally southerly direction along the mean high-water mark to the northern bank of the Waikawa Stream at the footbridge (at 40°41.238'S and 175°08.873'E); then
- (o) proceeding in a straight line to the southern bank of the Waikawa Stream (at 40°41.251'S and 175°08.904'E); then
- (p) proceeding in a generally southerly direction along the mean high-water mark to the northern bank of the Otaki River (at 40°45.469'S and 175°06.535'E); then
- (q) proceeding in a straight line to the southern bank of the Otaki River (at 40°45.670'S and 175°06.518'E); then
- (r) proceeding in a generally southerly direction along the mean high-water mark to the northern bank of the Waikanae River at the footbridge (at 40°52.610'S and 175°01.087'E); then
- (s) proceeding in a straight line to the southern bank of the Waikanae River (at 40°52.641'S and 175°01.085'E); then
- (t) proceeding in a generally southerly direction along the mean high-water mark, and including all of Porirua Harbour, to Palmer Head (at 41°20.684'S and 174°49.243'E); then
- (u) proceeding in a straight line in a south-westerly direction to a point (at 41°24.896'S and 174°46.739'E); then
- (v) proceeding in a generally northerly direction along a line 4 nautical miles from the mean high-water mark of the North Island to a point (at 39°41.792'S and 174°16.500'E); then
- (w) proceeding in a straight line in due north to the starting point south of Hawera (at 39°37.133'S and 174°16.500'E)

Waiwhakaiho River to Hawera means all those waters enclosed by a line—

- (a) commencing at the Waiwhakaiho River (at 39°02.242'S and 174°06.258'E); then
- (b) proceeding in a generally southerly direction by the mean high-water mark to a point due south of Hawera (at 39°37.133'S and 174°16.500'E); then
- (c) proceeding in a due south direction 7 nautical miles to a point offshore (at 39°44.144'S and 174°16.500'E); then

- (d) proceeding in a generally northerly direction along a line 7 nautical miles from the mean high-water mark to a point offshore (at 38°56.084'S and 174°01.961'E); then
 - (e) proceeding in a straight line in a south-easterly direction to the starting point at the Waiwhakaiho River (at 39°02.242'S and 174°06.258'E)
- (2) In Schedule 15, clause 1, replace the definition of **Tirua Point to Pariokariwa Point** with:

Tirua Point to Waiwhakaiho River means all those waters enclosed by a line—

- (a) commencing at Tirua Point (at 38°23.222'S and 174°38.048'E); then
- (b) proceeding in a southerly direction by the mean high-water mark to the southernmost point of the north bank of the Awakino River (at 38°39.884'S and 174°37.238'E); then
- (c) proceeding in a straight line across the Awakino River to a point on the south bank of the Awakino River (at 38°39.924'S and 174°37.225'E); then
- (d) proceeding by the mean high-water mark to the southernmost point on the north bank of the Mokau River (at 38°42.271'S and 174°37.020'E); then
- (e) proceeding in a straight line across the Mokau River to a point on the south bank of the Mokau River (at 38°42.422'S and 174°37.007'E); then
- (f) proceeding by the mean high-water mark to the north bank of the Tongaporutu River (at 38°48.886'S and 174°35.233'E); then
- (g) proceeding in a straight line across the Tongaporutu River to a point on the south bank of the Tongaporutu River (at 38°48.982'S and 174°35.214'E); then
- (h) proceeding by the mean high-water mark to the Waiwhakaiho River (at 39°02.242'S and 174°06.258'E); then
- (i) proceeding in a north-westerly direction 12 nautical miles to a point offshore (at 38°51.468'S and 173°58.741'E); then
- (j) proceeding in a northerly direction along a line 12 nautical miles from the mean high-water mark to a point offshore (at 38°20.619'S and 174°23.144'E); then
- (k) proceeding in a straight line along the Central FMA boundary in an easterly direction to Tirua Point (at 38°23.222'S and 174°38.048'E)

13 Schedule 16 amended

In Schedule 16, after clause 2, insert:

3 Definition of Farewell Spit to Cape Soucis

- (1) In Part 5, **Farewell Spit to Cape Soucis** means all those waters and estuaries enclosed by a line—
- (a) commencing at the eastern end of Farewell Spit (at 40°32.765'S and 173°01.056'E); then
 - (b) proceeding in a south-easterly direction to a point (at 40°36.735'S and 173°05.551'E); then
 - (c) proceeding in a generally westerly then south-easterly direction at a distance of 4 nautical miles from the mean high-water mark, including the mean high-water mark of Rabbit Island, to a point (at 41°00.074'S and 173°32.186'E); then
 - (d) proceeding in a south-easterly direction to a point at Cape Soucis (at 41°03.104'S and 173°35.670'E); then
 - (e) proceeding in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Maitai River (at 41°15.942'S and 173°16.877'E); then
 - (f) proceeding in a straight line to the western bank of the Maitai River (at 41°15.960'S and 173°16.810'E); then
 - (g) proceeding in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Waimea River (at 41°18.655'S and 173°07.775'E); then
 - (h) proceeding in a straight line to the western bank of the Waimea River (at 41°18.570'S and 173°07.676'E); then
 - (i) proceeding in a generally north-westerly direction along the mean high-water mark to a point on the southern bank of the Moutere River (at 41°08.800'S and 173°00.070'E); then
 - (j) proceeding in a straight line to the northern bank of the Moutere River (at 41°08.754'S and 173°00.033'E); then
 - (k) proceeding in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Motueka River (at 41°05.111'S and 173°01.028'E); then
 - (l) proceeding in a straight line to the northern bank of the Motueka River (at 41°05.066'S and 173°00.903'E); then
 - (m) proceeding in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Riuwaka River (at 41°03.976'S and 172°59.881'E); then
 - (n) proceeding in a straight line to the northern bank of the Riuwaka River (at 41°03.944'S and 172°59.884'E); then

- (o) proceeding in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Awaroa River (at 40°52.405'S and 172°59.634'E); then
 - (p) proceeding in a straight line to the northern bank of the Awaroa River (at 40°52.367'S and 172°59.603'E); then
 - (q) proceeding in a generally northerly then westerly direction along the mean high-water mark to a point on the eastern bank of the Wainui Inlet (at 40°49.585'S and 172°56.781'E); then
 - (r) proceeding in a straight line to the western bank of the Wainui Inlet (at 40°49.465'S and 172°56.232'E); then
 - (s) proceeding in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Motupipi River (at 40°50.962'S and 172°50.434'E); then
 - (t) proceeding in a straight line to the western bank of the Motupipi River (at 40°50.940'S and 172°50.409'E); then
 - (u) proceeding in a generally north-westerly direction along the mean high-water mark to a point on the eastern bank of the Takaka River (at 40°49.813'S and 172°47.566'E); then
 - (v) proceeding in a straight line to the western bank of the Takaka River (at 40°49.737'S and 172°47.530'E); then
 - (w) proceeding in a generally north-westerly direction along the mean high-water mark to a point on the eastern bank of the Aorere River (at 40°40.556'S and 172°39.675'E); then
 - (x) proceeding in a straight line to the western bank of the Aorere River (at 40°40.445'S and 172°39.673'E); then
 - (y) proceeding in a generally north-easterly direction along the mean high-water mark to the starting point at the eastern end of Farewell Spit (at 40°32.765'S and 173°01.056'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of the natural entrance points of a river mouth or where a river first enters an estuarine environment must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any rivers where specific co-ordinates are provided.

14 Schedule 17 amended

- (1) In Schedule 17, clause 2(1)(7), replace “(at 43°16.65'S and 172°43.41'E)” with “(at 43°17.000'S and 172°43.327'E)”.
- (2) In Schedule 17, clause 2(1)(14), replace “(at 45°28.72'S and 170°49.01'E)” with “(at 45°28.677'S and 170°49.102'E)”.

- (3) In Schedule 17, clause 2(1)(18), replace “(at 45°38.39’S and 170°39.71’E)” with “(at 45°38.362’S and 170°39.694’E)”.
- (4) In Schedule 17, clause 2(1)(19), replace “(at 45°38.48’S and 170°39.71’E)” with “(at 45°38.474’S and 170°39.718’E)”.
- (5) In Schedule 17, clause 2(1)(22), replace “(at 45°44.06’S and 170°37.05’E)” with “(at 45°44.642’S and 170°37.479’E)”.
- (6) In Schedule 17, clause 2(1)(23), replace “(at 45°44.06’S and 170°37.72’E)” with “(at 45°44.600’S and 170°37.663’E)”.
- (7) In Schedule 17, clause 2(1)(24), replace “(at 45°46.24’S and 170°43.20’E)” with “(at 45°46.239’S and 170°43.192’E)”.
- (8) In Schedule 17, clause 2(1)(25), replace “45°46.32’S and 170°43.54’E” with “45°46.239’S and 170°43.192’E”.
- (9) In Schedule 17, replace clause 2(1)(45) to (48) with:
 - (45) proceeding in a southerly direction by the mean high-water mark to Slope Point (at 46°40.525’S and 169°00.107’E); then
 - (46) proceeding 4 nautical miles in a south-easterly direction along the South-East FMA boundary from Slope Point to a point (at 46°44.369’S and 169°03.604’E); then
 - (47) proceeding in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point east of the Waitaki River (at 44°56.300’S and 171°14.720’E); then
 - (48) proceeding in a north-easterly direction to a point (at 44°25.560’S and 171°32.670’E); then
 - (49) proceeding in a northerly direction at a distance of 12 nautical miles from the mean high-water mark to a point (at 44°01.929’S and 172°37.374’E); then
 - (50) proceeding in a north-easterly direction to a point (at 43°56.275’S and 172°45.382’E); then
 - (51) proceeding in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 43°49.986’S and 173°11.770’E); then
 - (52) proceeding in a easterly direction to a point (at 43°49.986’S and 173°16.201’E); then
 - (53) proceeding in a northerly direction to a point (at 43°18.000’S and 173°20.000’E); then
 - (54) proceeding in a north-westerly direction to a point (at 43°06.580’S and 173°08.680’E); then
 - (55) proceeding in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point 4 nautical miles east of Clarence Point (at 42°10.00’S and 174°01.775’E); then

- (56) proceeding due west to the point of commencement at Clarence Point (at 42°10.00'S and 174°56.00'E).

15 Schedule 18 amended

In Schedule 18, clause 1(1), replace the definition of **Slope Point to Sand Hill Point** with:

Slope Point to Sand Hill Point means all those waters enclosed by a line—

- (a) commencing at Slope Point (at 46°40.525'S and 169°00.107'E); then
- (b) proceeding in a north-westerly direction by the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.954'S and 168°47.871'E); then
- (c) proceeding in a straight line to the western entrance of Toetoes Harbour (at 46°34.882'S and 168°47.824'E); then
- (d) proceeding in a westerly direction by the mean high-water mark to Tiwai Point (at 46°36.13'S and 168°22.23'E); then
- (e) proceeding in a straight line to Stirling Point (at 46°36.717'S and 168°21.590'E); then
- (f) proceeding in a north-westerly direction by the mean high-water mark to the southern side of New River Estuary mouth (at 46°31.00'S and 168°16.24'E); then
- (g) proceeding in a straight line to the northern side of New River Estuary mouth (at 46°29.49'S and 168°16.24'E); then
- (h) proceeding in a north-westerly direction by the mean high-water mark to the northern side of Jacobs River Estuary (at 46°21.46'S and 168°01.34'E); then
- (i) proceeding in a straight line to Talls Point (at 46°21.60'S and 168°01.34'E); then
- (j) proceeding in a westerly direction by the mean high-water mark to Sand Hill Point (at 46°15.20'S and 167°19.05'E); then
- (k) proceeding in a straight line to a point 10 nautical miles offshore from Sand Hill Point (at 46°25.237'S and 167°21.125'E); then
- (l) proceeding in an easterly direction at a distance of 10 nautical miles from the mean high-water mark to a point offshore (at 46°24.061'S and 167°26.923'E); then
- (m) proceeding in a straight line in a south-easterly direction to a point offshore (at 46°24.576'S and 167°28.726'E); then
- (n) proceeding in an easterly direction at a distance of 10 nautical miles from the mean high-water mark to a point (at 46°33.439'S and 167°46.994'E); then

- (o) proceeding due north to a point 4 nautical miles off Wakaputa Point (at 46°27.441'S and 167°46.994'E); then
- (p) proceeding in a generally easterly direction at a distance of 4 nautical miles from the mean high-water mark to a point on the Southland FMA boundary (at 46°44.369'S and 169°03.604'E); then
- (q) proceeding in a straight line to the point of commencement (at 46°40.525'S and 169°00.107'E).

16 Schedule 19 amended

In Schedule 19, Part 1, after the item relating to regulation 40, insert:

| | | |
|-------|---|-----|
| r 41A | Using drift net in New Zealand fisheries waters | 250 |
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Part 2

Amendments to Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986

17 Amendments to Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986

This Part amends the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

18 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), revoke the definition of **drift net**.
- (2) In regulation 2(1), insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
 - (b) has a buoyancy system on the top edge and is weighted on the bottom edge
- (3) In regulation 2(1), definition of **set net**, after “gill net”, insert “, ring net,”.

19 Regulation 10B replaced (Trawl fishing prohibited in defined areas)

Replace regulation 10B with:

10B Trawl fishing prohibited in defined areas

- (1) A commercial fisher must not use a trawl net for fishing within the following waters:

- (a) *Scott Point to Maunganui Bluff*: the waters lying within 1 nautical mile to the seaward due west of a baseline that—
- (i) starts at Scott Point (at 34°31.380'S and 172°42.239'E), by the mean high-water mark to the north head of Herekino Harbour (at 35°17.524'S and 173°09.685'E); and
 - (ii) then proceeds in a straight line to the south head of Herekino Harbour (at 35°17.680'S and 173°09.518'E); and
 - (iii) then proceeds by the mean high-water mark to the north head of Whangape Harbour (at 35°22.706'S and 173°12.899'E); and
 - (iv) then proceeds in a straight line to the south head of Whangape Harbour (at 35°22.917'S and 173°13.131'E); and
 - (v) then proceeds by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.392'S and 173°21.395'E); and
 - (vi) then proceeds in a straight line to the south head of Hokianga Harbour (at 35°32.008'S and 173°22.045'E); and
 - (vii) then proceeds in a southerly direction along the mean high-water mark to Maunganui Bluff (at 35°45.54'S and 173°33.304'E):
- (b) *Maunganui Bluff to Tirua Point*: the waters lying within an area bounded by a line that—
- (i) starts at Maunganui Bluff (at 35°45.540'S and 173°33.304'E); and
 - (ii) then proceeds in a southerly direction by the mean high-water mark to the southernmost extremity of the north head of Kaipara Harbour (at 36°23.468'S and 174°03.165'E); and
 - (iii) then proceeds in a straight line to the south head of Kaipara Harbour (at 36°28.917'S and 174°09.716'E); and
 - (iv) then proceeds in a southerly direction by the mean high-water mark to a point on Paratutai Island (at 37°02.827'S and 174°30.730'E); and
 - (v) then proceeds in a straight line to the signal staff on the south head of Manukau Harbour (at 37°03.060'S and 174°32.70'E); and
 - (vi) then proceeds in a southerly direction by the mean high-water mark to the north head of the Waikato River mouth (at 37°20.996'S and 174°41.207'E); and
 - (vii) then proceeds by a straight line to the south head of the Waikato River mouth (at 37°22.667'S and 174°42.171'E); and
 - (viii) then proceeds in a southerly direction by the mean high-water mark to Rangitoto Point (at 37°47.843'S and 174°50.528'E); and
 - (ix) then proceeds in a straight line to the south head of Raglan Harbour (at 37°48.268'S and 174°50.568'E); and

- (x) then proceeds in a southerly direction by the mean high-water mark to Potahi Point (at 38°00.431'S and 174°47.762'E); and
 - (xi) then proceeds in a straight line to Kahua Point (at 38°02.229'S and 174°47.070'E); and
 - (xii) then proceeds in a southerly direction by the mean high-water mark to Tauratahi Point (at 38°04.985'S and 174°47.043'E); and
 - (xiii) then proceeds in a straight line to Urawitiki Point (at 38°05.370'S and 174°46.220'E); and
 - (xiv) then proceeds in a southerly direction by the mean high-water mark to Tirua Point (at 38°23.222'S and 174°38.048'E); and
 - (xv) then proceeds in a north-westerly direction along the fishery management area 9—Auckland (West) boundary to a point (at 38°22.354'S and 174°33.078'E); and
 - (xvi) then proceeds in a generally northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 36°31.230'S and 174°05.578'E); and
 - (xvii) then proceeds in a straight line to a point (at 36°27.300'S and 174°00.857'E); and
 - (xviii) then proceeds in a generally northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 35°45.540'S and 173°27.572'E); and
 - (xix) then proceeds due east to the starting point at Maunganui Bluff (at 35°45.540'S and 173°33.304'E).
- (2) For the purposes of the areas defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of those areas if they extend seawards or as the outer boundary of those areas if they extend landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

20 Regulation 10C revoked (Drift net fishing prohibited in Port Waikato)

Revoke regulation 10C.

21 Regulation 15A amended (Set netting prohibited in defined areas)

Replace regulation 15A(1)(l) with:

- (l) *North-west coast:*
 - (i) *Cape Reinga:* the waters lying within 1 nautical mile from the northernmost extremity of Cape Reinga (at 34°25.210'S and 172°40.780'E);
 - (ii) *Cape Reinga–Maunganui Bluff:* the waters lying within an area bounded by a line that—

- (A) starts at the northernmost extremity of Cape Reinga (at 34°25.210'S and 172°40.780'E); and
 - (B) then proceeds in a generally southerly direction by the mean high-water mark to the north head of Herekino Harbour (at 35°17.524'S and 173°09.685'E); and
 - (C) then proceeds in a straight line to the south head of Herekino Harbour (at 35°17.680'S and 173°09.518'E); and
 - (D) then proceeds by the mean high-water mark to the north head of Whangape Harbour (at 35°22.706'S and 173°12.899'E); and
 - (E) then proceeds in a straight line to the south head of Whangape Harbour (at 35°22.917'S and 173°13.131'E); and
 - (F) then proceeds by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.392'S and 173°21.395'E); and
 - (G) then proceeds in a straight line to the south head of Hokianga Harbour (at 35°32.008'S and 173°22.045'E); and
 - (H) then proceeds in a southerly direction along the mean high-water mark to Maunganui Bluff (at 35°45.540'S and 173°33.304'E); and
 - (I) then proceeds due west to a point offshore (at 35°45.540'S and 173°27.572'E); and
 - (J) then proceeds in a generally northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 34°21.200'S and 172°40.780'E); and
 - (K) then proceeds due south to the starting point at Cape Reinga (at 34°25.210'S and 172°40.780'E):
- (iii) *Maunganui Bluff–Tirua Point*: the waters lying within an area bounded by a line that—
- (A) starts at Maunganui Bluff (at 35°45.540'S and 173°33.304'E); and
 - (B) then proceeds in a generally southerly direction by the mean high-water mark to Kaipara Harbour–Pouto Point light (at 36°21.760'S and 174°10.870'E); and
 - (C) then proceeds by a straight line to Kaipara Harbour–South Head light (at 36°25.675'S and 174°14.116'E); and
 - (D) then proceeds in a westerly direction by the mean high-water mark to the north-westernmost point of the south head of Kaipara Harbour (at 36°25.670'S and 174°13.940'E); and

- (E) then proceeds in a straight line to Papakanui Spit east (at 36°25.710'S and 174°13.210'E); and
- (F) then proceeds in a straight line to Papakanui Spit west (at 36°25.997'S and 174°12.442'E); and
- (G) then proceeds in a southerly direction by the mean high-water mark to Taumatarea Point (at 36°58.758'S and 174°37.954'E) on the northern side of Manukau Harbour; and
- (H) then proceeds in a straight line to Channel Marker No 4 in Manukau Harbour (at 37°02.000'S and 174°42.100'E); and
- (I) then proceeds in a straight line to Matakawau Point (at 37°06.360'S and 174°40.136'E); and
- (J) then proceeds in a southerly direction by the mean high-water mark to a point on the northern side of the Waikato River (at 37°22.590'S and 174°43.940'E); and
- (K) then proceeds in a straight line to the jetty on the south of the Waikato River (at 37°23.160'S and 174°43.940'E); and
- (L) then proceeds in a southerly direction by the mean high-water mark to a point on the northern side of Raglan Harbour (at 37°47.740'S and 174°51.540'E); and
- (M) then proceeds in a straight line to Putoetoe Point (at 37°48.010'S and 174°51.870'E); and
- (N) then proceeds in a southerly direction by the mean high-water mark to Potahi Point at Aotea Harbour (at 38°00.431'S and 174°47.762'E); and
- (O) then proceeds in a straight line to Kahua Point at Aotea Harbour (at 38°02.229'S and 174°47.070'E); and
- (P) then proceeds in a southerly direction by the mean high-water mark to Kawhia Harbour at Tauratahi Point (at 38°04.985'S and 174°47.043'E); and
- (Q) then proceeds by a straight line to Urawitiki Point (at 38°05.370'S and 174°46.220'E); and
- (R) then proceeds in a southerly direction by the mean high-water mark to Tirua Point (at 38°23.222'S and 174°38.048'E); and
- (S) then proceeds in a north-westerly direction along the Auckland (West) fishery management area boundary to a point (at 38°20.619'S and 174°23.144'E); and

- (T) then proceeds in a generally northerly direction at a distance of 12 nautical miles from the mean high-water mark to a point (at 35°45.540'S and 173°14.610'E); and
- (U) then proceeds due east to the starting point at Maunganui Bluff (at 35°45.540'S and 173°33.304'E).

22 New regulation 15B inserted (Ring netting permitted in defined harbour areas)

After regulation 15A, insert:

15B Ring netting permitted in defined harbour areas

Despite regulation 15A(l), a commercial fisher may use a ring net within the following areas if the fisher remains within the vicinity of the ring net while it is in operation:

Manukau Harbour

- (a) the waters of Manukau Harbour lying inside a straight line drawn from the signal staff on the south head (at 37°03.060'S and 174°32.70'E) to the easternmost extremity of Paratutai Island (at 37°02.827'S and 174°30.730'E):

Kaipara Harbour

- (b) the waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of the north head (at 36°23.468'S and 174°03.165'E) to the south head of the harbour (at 36°28.917'S and 174°09.716'E):

Raglan Harbour

- (c) the waters of Raglan Harbour lying inside a straight line drawn from Rangitoto Point (at 37°47.843'S and 174°50.528'E) to the south head of Raglan Harbour Entrance (at 37°48.268'S and 174°50.568'E).

23 Regulation 24 amended (Offences)

In regulation 24(2), replace “10A to 10C” with “10A, 10B,”.

Part 3

**Amendment to Fisheries (Central Area Commercial Fishing)
Regulations 1986**

24 Amendments to Fisheries (Central Area Commercial Fishing) Regulations 1986

This Part amends the Fisheries (Central Area Commercial Fishing) Regulations 1986.

25 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
 - (b) has a buoyancy system on the top edge and is weighted on the bottom edge
- (2) In regulation 2(1), definition of **set net**, after “gill net”, insert “, ring net,”.

26 Regulation 6 amended (Trawling prohibited in certain waters)

Revoke regulation 6(c).

27 Regulation 6C replaced (Trawling prohibited from Tirua Point to Pariokariwa Point)

Replace regulation 6C with:

6C Trawling prohibited from Tirua Point to Waiwhakaiho River

- (1) A commercial fisher must not use a trawl net for fishing in the waters lying within an area bounded by a line that—
- (a) extends from Tirua Point (at 38°23.222'S and 174°38.048'E); and
 - (b) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Awakino River (at 38°39.884'S and 174°37.238'E); and
 - (c) then proceeds in a straight line across the Awakino River to a point on the south bank of the Awakino River (at 38°39.924'S and 174°37.225'E); and
 - (d) then follows a line along the mean high-water mark to the southernmost point on the north bank of the Mokau River (at 38°42.271'S and 174°37.020'E); and
 - (e) then proceeds in a straight line across the Mokau River to a point on the south bank of the Mokau River (at 38°42.422'S and 174°37.007'E); and
 - (f) then follows a line along the mean high-water mark to the north bank of the Tongaporutu River (at 38°48.886'S and 174°35.233'E); and
 - (g) then proceeds in a straight line across the Tongaporutu River to a point on the south bank of the Tongaporutu River (at 38°48.982'S and 174°35.214'E); and

- (h) then follows a line along the mean high-water mark to the mouth of the Waiwhakaiho River (at 39°02.242'S and 174°06.258'E); and
 - (i) then proceeds generally north-west 4 nautical miles to 38°58.723'S and 174°03.803'E; and
 - (j) then proceeds in a northerly direction along a line 4 nautical miles from the mean high-water mark to a point (at 38°22.354'S and 174°33.078'E); and
 - (k) then proceeds in a straight line along the Central fishery management area boundary in an easterly direction to Tirua Point (at 38°23.222'S and 174°38.048'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

28 Regulation 7D replaced (Set netting prohibited from Tirua Point to Pariokariwa Point)

Replace regulation 7D with:

7D Set netting prohibited in defined waters

- (1) A commercial fisher must not use a set net for fishing within the following waters:

Tirua Point to Waiwhakaiho River

- (a) the waters lying within an area bounded by a line that—
 - (i) extends from Tirua Point (at 38°23.222'S and 174°38.048'E); and
 - (ii) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Awakino River (at 38°39.884'S and 174°37.238'E); and
 - (iii) then proceeds in a straight line across the Awakino River to a point on the south bank of the Awakino River (at 38°39.924'S and 174°37.225'E), then follows a line along the mean high-water mark to the southernmost point on the north bank of the Mokau River (at 38°42.271'S and 174°37.020'E); and
 - (iv) then proceeds in a straight line across the Mokau River to a point on the south bank of the Mokau River (at 38°42.422'S and 174°37.007'E), then follows a line along the mean high-water mark to the north bank of the Tongaporutu River (at 38°48.886'S and 174°35.233'E); and

- (v) then proceeds in a straight line across the Tongaporutu River to a point on the south bank of the Tongaporutu River (at 38°48.982'S and 174°35.214'E), then follows a line along the mean high-water mark to the mouth of the Waiwhakaiho River (at 39°02.242'S and 174°06.258'E); and
- (vi) then proceeds generally north-west 12 nautical miles to a point (at 38°51.468'S and 173°58.741'E); and
- (vii) then proceeds in a northerly direction along a line 12 nautical miles from the mean high-water mark to a point (at 38°20.619'S and 174°23.144'E); and
- (viii) then proceeds in a straight line along the fishery management area 8—Central (Egmont) boundary in an easterly direction to Tirua Point (at 38°23.222'S and 174°38.048'E):

Waiwhakaiho River to Hawera

- (b) the waters lying within an area bounded by a line that—
 - (i) extends from Waiwhakaiho River (at 39°02.242'S and 174°06.258'E); and
 - (ii) then follows a line in a generally southerly direction by the mean high-water mark to a point south of Hawera (at 39°37.133'S and 174°16.500'E); and
 - (iii) then proceeds due south 7 nautical miles to a point (at 39°44.144'S and 174°16.500'E); and
 - (iv) then proceeds in a generally northerly direction along a line 7 nautical miles from the mean high-water mark to a point (at 38°56.084'S and 174°01.961'E); and
 - (v) then proceeds in a straight line to Waiwhakaiho River (at 39°02.242'S and 174°06.258'E):

Hawera to Wellington

- (c) the waters lying within an area bounded by a line that—
 - (i) extends from a point south of Hawera (at 39°37.133'S and 174°16.500'E); and
 - (ii) then proceeds in a generally southerly direction along the mean high-water mark to the western bank of the Patea River (at 39°46.330'S and 174°29.319'E); and
 - (iii) then proceeds in a straight line to the eastern bank of the Patea River (at 39°46.375'S and 174°29.454'E); and
 - (iv) then proceeds in a generally southerly direction along the mean high-water mark to the western bank of the Waitotara River (at 39°50.943'S and 174°41.006'E); and

- (v) then proceeds in a straight line to the eastern bank of the Waitotara River (at 39°51.079'S and 174°41.288'E); and
- (vi) then proceeds in a generally southerly direction along the mean high-water mark to the western bank of the Whanganui River at the City Bridge (at 39°56.109'S and 175°03.349'E); and
- (vii) then proceeds in a straight line to the eastern bank of the Whanganui River (at 39°56.176'S and 175°03.463'E); and
- (viii) then proceeds in a generally southerly direction along the mean high-water mark to the western bank of the Whangaehu River (at 40°02.148'S and 175°05.788'E); and
- (ix) then proceeds in a straight line to the eastern bank of the Whangaehu River (at 40°02.433'S and 175°06.237'E); and
- (x) then proceeds in a generally southerly direction along the mean high-water mark to the northern bank of the Rangitikei River (at 40°17.258'S and 175°13.441'E); and
- (xi) then proceeds in a straight line to the southern bank of the Rangitikei River (at 40°18.031'S and 175°13.692'E); and
- (xii) then proceeds in a generally southerly direction along the mean high-water mark to the northern bank of the Manawatu River (at 40°28.000'S and 175°13.419'E); and
- (xiii) then proceeds in a straight line to the southern bank of the Manawatu River (at 40°28.708'S and 175°13.230'E); and
- (xiv) then proceeds in a generally southerly direction along the mean high-water mark to the northern bank of the Waikawa Stream at the footbridge (at 40°41.238'S and 175°08.873'E); and
- (xv) then proceeds in a straight line to the southern bank of the Waikawa Stream (at 40°41.251'S and 175°08.904'E); and
- (xvi) then proceeds in a generally southerly direction along the mean high-water mark to the northern bank of the Otaki River (at 40°45.469'S and 175°06.535'E); and
- (xvii) then proceeds in a straight line to the southern bank of the Otaki River (at 40°45.670'S and 175°06.518'E); and
- (xviii) then proceeds in a generally southerly direction along the mean high-water mark to the northern bank of the Waikanae River at the footbridge (at 40°52.610'S and 175°01.087'E); and
- (xix) then proceeds in a straight line to the southern bank of the Waikanae River (at 40°52.641'S and 175°01.085'E); and
- (xx) then proceeds in a generally southerly direction along the mean high-water mark, and including all of Porirua Harbour, to Palmer Head (at 41°20.684'S and 174°49.243'E); and

- (xxi) then proceeds in a straight line in a south-westerly direction to a point (at 41°24.896'S and 174°46.739'E); and
 - (xxii) then proceeds in a generally northerly direction along a line 4 nautical miles from the mean high-water mark of the North Island to a point (at 39°41.792'S and 174°16.500'E); and
 - (xxiii) then proceeds in a straight line due north to a point south of Hawera (at 39°37.133'S and 174°16.500'E).
- (2) For the purposes of the areas defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of those areas if they extend seawards or as the outer boundary of those areas if they extend landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

Part 4

Amendments to Fisheries (Challenger Area Commercial Fishing) Regulations 1986

29 Amendments to Fisheries (Challenger Area Commercial Fishing) Regulations 1986

This Part amends the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

30 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), definition of **set net**, after “gill net”, insert “, ring net,”.
- (2) In regulation 2(1), insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (b) has a buoyancy system on the top edge and is weighted on the bottom edge

31 New regulation 2BE inserted (Set net fishing prohibited in specified area from Farewell Spit to Cape Soucis)

After regulation 2BD, insert:

2BE Set net fishing prohibited in specified area from Farewell Spit to Cape Soucis

- (1) A commercial fisher must not use a set net for fishing in the waters and estuaries lying within an area bounded by a line that—
- (a) starts at the eastern end of Farewell Spit (at 40°32.765'S and 173°01.056'E); and
 - (b) then proceeds in a south-easterly direction to a point (at 40°36.735'S and 173°05.551'E); and
 - (c) then proceeds in a generally westerly then south-easterly direction at a distance of 4 nautical miles from the mean high-water mark, including the mean high-water mark of Rabbit Island, to a point (at 41°00.074'S and 173°32.186'E); and
 - (d) then proceeds in a south-easterly direction to a point at Cape Soucis (at 41°03.104'S and 173°35.670'E); and
 - (e) proceeds in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Maitai River (at 41°15.942'S and 173°16.877'E); and
 - (f) then proceeds in a straight line to the western bank of the Maitai River (at 41°15.960'S and 173°16.810'E); and
 - (g) then proceeds in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Waimea River (at 41°18.655'S and 173°07.775'E); and
 - (h) then proceeds in a straight line to the western bank of the Waimea River (at 41°18.570'S and 173°07.676'E); and
 - (i) then proceeds in a generally north-westerly direction along the mean high-water mark to a point on the southern bank of the Moutere River (at 41°08.800'S and 173°00.070'E); and
 - (j) then proceeds in a straight line to the northern bank of the Moutere River (at 41°08.754'S and 173°00.033'E); and
 - (k) then proceeds in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Motueka River (at 41°05.111'S and 173°01.028'E); and
 - (l) then proceeds in a straight line to the northern bank of the Motueka River (at 41°05.066'S and 173°00.903'E); and
 - (m) then proceeds in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Riuwaka River (at 41°03.976'S and 172°59.881'E); and
 - (n) then proceeds in a straight line to the northern bank of the Riuwaka River (at 41°03.944'S and 172°59.884'E); and

- (o) then proceeds in a generally northerly direction along the mean high-water mark to a point on the southern bank of the Awaroa River (at 40°52.405'S and 172°59.634'E); and
 - (p) then proceeds in a straight line to the northern bank of the Awaroa River (at 40°52.367'S and 172°59.603'E); and
 - (q) then proceeds in a generally northerly then westerly direction along the mean high-water mark to a point on the eastern bank of the Wainui Inlet (at 40°49.585'S and 172°56.781'E); and
 - (r) then proceeds in a straight line to the western bank of the Wainui Inlet (at 40°49.465'S and 172°56.232'E); and
 - (s) then proceeds in a generally westerly direction along the mean high-water mark to a point on the eastern bank of the Motupipi River (at 40°50.962'S and 172°50.434'E); and
 - (t) then proceeds in a straight line to the western bank of the Motupipi River (at 40°50.940'S and 172°50.409'E); and
 - (u) then proceeds in a generally north-westerly direction along the mean high-water mark to a point on the eastern bank of the Takaka River (at 40°49.813'S and 172°47.566'E); and
 - (v) then proceeds in a straight line to the western bank of the Takaka River (at 40°49.737'S and 172°47.530'E); and
 - (w) then proceeds in a generally north-westerly direction along the mean high-water mark to a point on the eastern bank of the Aorere River (at 40°40.556'S and 172°39.675'E); and
 - (x) then proceeds in a straight line to the western bank of the Aorere River (at 40°40.445'S and 172°39.673'E); and
 - (y) then proceeds in a generally north-easterly direction along the mean high-water mark to the starting point at the eastern end of Farewell Spit (at 40°32.765'S and 173°01.056'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of the natural entrance points of a river mouth or where a river first enters an estuarine environment must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any rivers where specific co-ordinates are provided.

Part 5

Amendments to Fisheries (Commercial Fishing) Regulations 2001

32 Amendments to Fisheries (Commercial Fishing) Regulations 2001

This Part amends the Fisheries (Commercial Fishing) Regulations 2001.

33 Regulation 3 amended (Interpretation)

- (1) In regulation 3, insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (b) has a buoyancy system on the top edge and is weighted on the bottom edge

- (2) In regulation 3, definition of
- set net**
- , after “gill net”, insert “, ring net,”.

34 New Part 3A inserted

After regulation 52C, insert:

Part 3A
Fishing-related mortality limit of Hector's and Māui Dolphin in defined area

52D Māui Dolphin habitat zoneIn these regulations, the **Māui Dolphin habitat zone** means the waters within the area bounded by a line that—

- (a) starts at the Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E); and
- (b) then proceeds due west to the outer limit of the Territorial Sea (at 39°16.575'S and 173°29.583'E); and
- (c) then proceeds in a generally northerly direction along the outer limit of the Territorial Sea to a point (at 34°13.193'S and 172°40.780'E); and
- (d) then proceeds due south to Cape Reinga (at 34°25.210'S and 172°40.780'E); and
- (e) then proceeds in a generally southerly direction along the mean high-water mark of the west coast of the North Island to the starting point at Cape Egmont lighthouse (at 39°16.575'S and 173°45.300'E).

52E Fishing-related mortality limit for Hector's or Māui Dolphin within Māui Dolphin habitat zone

- (1) The fishing-related mortality limit for a Hector's or Māui Dolphin within the Māui Dolphin habitat zone is 1.
- (2) In this regulation, a **Hector's or Māui Dolphin** means a dolphin of the subspecies *Cephalorhynchus hectori hectori* or *Cephalorhynchus hectori maui*.

35 Part 4 heading amended

In the Part 4 heading, after “**Conditions**”, insert “, **restrictions, and prohibitions**”.

36 New regulation 58D inserted (Use of drift nets prohibited)

Before regulation 59, insert:

58D Use of drift nets prohibited

- (1) A commercial fisher must not use a drift net for fishing in New Zealand fisheries waters.
- (2) In this regulation, **drift net** means a net that—
 - (a) acts by enmeshing, entrapping, or entangling any fish or aquatic life; and
 - (b) acts by drifting in the water or on the surface of the water in a manner primarily determined by the natural flow of the water or current; and
 - (c) is not attached to—
 - (i) any point of land; or
 - (ii) the seabed or riverbed.

37 Regulation 84 amended (Offences)

In regulation 84(3), after “58B(1),”, insert “58D,”.

Part 6**Amendments to Fisheries (South-East Area Commercial Fishing)
Regulations 1986****38 Amendments to Fisheries (South-East Area Commercial Fishing)
Regulations 1986**

This Part amends the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

39 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (b) has a buoyancy system on the top edge and is weighted on the bottom edge

- (2) In regulation 2(1), definition of **set net**, after “gill net”, insert “, ring net,”.

40 Regulation 5AAC amended (Set net fishing prohibited in certain area from Clarence Point to Slope Point)

- (1) In regulation 5AAC(1)(23) replace “(at 45°46.239'S and 170°43.192'E)” with “(at 45°46.316'S and 170°43.550'E)”.

- (2) Replace regulation 5AAC(1)(45) to (50) with:

- (45) then proceeds in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point east of the Waitaki River (at 44°56.300'S and 171°14.720'E); and
- (46) then proceeds in a north-easterly direction to a point (at 44°25.560'S and 171°32.670'E); and
- (47) then proceeds in a northerly direction at a distance of 12 nautical miles from the mean high-water mark to a point (at 44°01.929'S and 172°37.374'E); and
- (48) then proceeds in a north-easterly direction to a point (at 43°56.275'S and 172°45.382'E); and
- (49) then proceeds in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 43°49.986'S and 173°11.770'E); and
- (50) then proceeds in an easterly direction to a point (at 43°49.986'S and 173°16.201'E); and
- (51) then proceeds in a northerly direction to a point (at 43°18.000'S and 173°20.000'E); and
- (52) then proceeds in a north-westerly direction to a point (at 43°06.580'S and 173°08.680'E); and
- (53) then proceeds in a northerly direction at a distance of 4 nautical miles from the mean high-water mark to a point (at 42°41.925'S and 173°31.154'E); and
- (54) then proceeds in a northerly direction to a point (at 42°35.943'S and 173°32.241'E); and
- (55) then proceeds in a north-easterly direction to a point (at 42°33.453'S and 173°34.140'E); and
- (56) then proceeds in a north-westerly direction to a point (at 42°32.555'S and 173°32.980'E); and
- (57) then proceeds in a north-easterly direction to a point (at 42°30.928'S and 173°34.060'E); and
- (58) then proceeds in a northerly direction to a point (at 42°29.020'S and 173°33.500'E); and

- (59) then proceeds in a north-easterly direction to a point (at 42°26.704'S and 173°37.732'E); and
- (60) then proceeds in an easterly direction to a point (at 42°27.955'S and 173°43.710'E); and
- (61) then proceeds in a straight line to a point 4 nautical miles east of Clarence Point (at 42°10.00'S and 174°01.775'E); and
- (62) then proceeds due west to the point of commencement at Clarence Point (at 42°10.00'S and 173°56.00'E).

Part 7

Amendments to Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

41 Amendments to Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

This Part amends the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

42 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), insert in its appropriate alphabetical order:

ring net means a net that—

- (a) is operated from a vessel in the following manner:
 - (i) a net is laid to surround (whether fully or partially) a school of fish; and
 - (ii) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (b) has a buoyancy system on the top edge and is weighted on the bottom edge

- (2) In regulation 2(1), definition of **set net**, after “gill net”, insert “, ring net,”.

43 Regulation 3AB replaced (Set net fishing prohibited in defined area from Slope Point to Sand Hill Point)

Replace regulation 3AB with:

3AB Set net fishing prohibited in defined area from Slope Point to Sand Hill Point

- (1) A commercial fisher must not use a set net for fishing in the waters lying within an area bounded by a line that—
- (a) extends from Slope Point (at 46°40.525'S and 169°00.107'E); and

- (b) then proceeds west along the mean high-water mark to the eastern entrance of Toetoes Harbour (at 46°34.954'S and 168°47.871'E); and
 - (c) then proceeds in a straight line to the western entrance of Toetoes Harbour (at 46°34.882'S and 168°47.824'E); and
 - (d) then proceeds in a generally westerly direction along the mean high-water mark to Tiwai Point (at 46°36.13'S and 168°22.23'E); and
 - (e) then proceeds in a straight line to Stirling Point (at 46°36.717'S and 168°21.590'E); and
 - (f) then proceeds in a generally westerly direction along the mean high-water mark to the southern side of the New River Estuary mouth (at 46°30.700'S and 168°16.550'E); and
 - (g) then proceeds in a straight line to the northern side of the New River Estuary mouth (at 46°29.975'S and 168°16.550'E); and
 - (h) then proceeds in a generally westerly direction along the mean high-water mark to the northern entrance to Jacobs River Estuary (at 46°21.46'S and 168°01.34'E); and
 - (i) then proceeds in a straight line to Talls Point (at 46°21.60'S and 168°01.34'E); and
 - (j) then proceeds in a generally westerly direction along the mean high-water mark to Sand Hill Point (at 46°15.20'S and 167°19.05'E); and
 - (k) then proceeds in a straight line 10 nautical miles south-east from Sand Hill Point (at 46°25.237'S and 167°21.125'E); and
 - (l) then proceeds in a generally easterly direction at a distance of 10 nautical miles from the mean high-water mark to a point (at 46°24.061'S and 167°26.923'E); and
 - (m) then proceeds in a straight line to a point (at 46°24.576'S and 167°28.726'E); and
 - (n) then proceeds in a generally easterly direction at a distance of 10 nautical miles from the mean high-water mark to a point (at 46°33.439'S and 167°46.994'E); and
 - (o) then proceeds in a straight line due north to a point (at 46°27.441'S and 167°46.994'E); and
 - (p) then proceeds in a generally easterly direction at a distance of 4 nautical miles from the mean high-water mark to a point on the fishery management area 5—Southland boundary (at 46°43.917'S and 169°03.195'E); and
 - (q) then proceeds in a straight line to Slope Point (at 46°40.525'S and 169°00.107'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may

be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

Part 8

Notices revoked

44 Fisheries notices revoked

The following notices are revoked:

- (a) Fisheries (Set Net Prohibition from Pariokariwa Point to Hawera) Notice 2012 (SR 2012/156);
- (b) Fisheries (Canterbury Set Net Area Amateur Prohibition) Notice 2007 (*Gazette* 2007, p 158).

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 October 2020, amend 7 sets of fisheries regulations, to address fishing-related adverse impacts on Hector's and Māui Dolphins.

The principal regulations that are amended are the—

- Fisheries (Amateur Fishing) Regulations 2013;
- Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986;
- Fisheries (Central Area Commercial Fishing) Regulations 1986;
- Fisheries (Challenger Area Commercial Fishing) Regulations 1986;
- Fisheries (Commercial Fishing) Regulations 2001;
- Fisheries (South-East Area Commercial Fishing) Regulations 1986;
- Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

In summary, the amendments—

- extend existing areas and create new areas in the North and South Islands where the use of commercial and recreational set nets is prohibited (*see* changes made in *Parts 1 to 7*); and

- extend the areas in the North Island where trawl fishing is prohibited (*see regulations 19 and 27*); and
- provide a definition of Māui Dolphin habitat zone in which a fishing-related mortality limit of 1 Hector's or Māui Dolphin is imposed (*see regulations 10 and 34*); and
- prohibit the use of drift nets in all New Zealand fisheries waters (*see regulations 5 and 36*); and
- clarify that set net includes a ring net and provide a definition of ring net (*see changes made in Parts 1 to 7*); and
- permit ring netting in the Manukau, Kaipara, and Raglan Harbours (*see regulation 22*).

The regulations also revoke 2 fisheries set-net prohibition notices, for the set-net areas of Pariokariwa Point to Hawera and Canterbury amateur fishing, that are superseded by the provisions of the relevant amending regulations.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement in March 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the Ministry for Primary Industries.