



## **Fisheries (Amateur Fishing) Amendment Regulations 2014**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 17th day of February 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Contents**

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 8 amended (Interpretation: fish species)	2
5	Regulation 59 amended (Daily limit for snapper)	2
6	Regulation 62 replaced (Minimum length for snapper)	3
	62 Minimum length for snapper	3
7	Regulation 76 amended (Prohibition on using set net in certain areas)	3
8	Regulation 86 replaced (Restrictions on fishing in Sugar Loaf Islands prescribed area and Sugar Loaf Islands conservation area)	3

	86	Restrictions on fishing in Sugar Loaf Islands prescribed area	3
9		Regulation 147 amended (Daily limits in internal waters of Fiordland)	4
10		Regulation 160 amended (Limitation on defence in Fiordland (Te Moana o Atawhenua) marine area or internal waters of Fiordland)	4
11		Schedule 13 amended	4
12		Schedule 14 amended	4
13		Schedule 15 amended	6
14		Schedule 18 amended	7
15		Schedule 19 amended	8

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## Regulations

### 1 Title

These regulations are the Fisheries (Amateur Fishing) Amendment Regulations 2014.

### 2 Commencement

- (1) Regulations 5, 6, and 15(1) come into force on 1 April 2014.
- (2) The rest of these regulations come into force on 21 February 2014.

### 3 Principal regulations

These regulations amend the Fisheries (Amateur Fishing) Regulations 2013 (the **principal regulations**).

### 4 Regulation 8 amended (Interpretation: fish species)

- (1) In regulation 8, definition of **pilchard** or **sardine**, replace “*neopilchardus*” with “*sagax*”.
- (2) In regulation 8, definition of **trevally**, replace “*georgianus*” with “*dentex*”.

### 5 Regulation 59 amended (Daily limit for snapper)

In regulation 59(3)(a), replace “9” with “7”.

**6 Regulation 62 replaced (Minimum length for snapper)**

Replace regulation 62 with:

**“62 Minimum length for snapper**

“(1) A person must not—

“(a) take any snapper that is less than 27 cm in length from the Auckland (West) FMA or the Kermadec FMA; or

“(b) possess any snapper that is less than 27 cm in length taken from within the Auckland (West) FMA or the Kermadec FMA.

“(2) A person must not—

“(a) take any snapper that is less than 30 cm in length from the Auckland (East) FMA; or

“(b) possess any snapper that is less than 30 cm in length taken from within the Auckland (East) FMA.

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

“Compare: Compare: SR 1986/222 r 3C”

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

Replace regulation 76(2) with:

“(2) A person must not use a set net in the Maunganui Bluff–Tirua Point set net prohibition area.”

**8 Regulation 86 replaced (Restrictions on fishing in Sugar Loaf Islands prescribed area and Sugar Loaf Islands conservation area)**

Replace regulation 86 with:

**“86 Restrictions on fishing in Sugar Loaf Islands prescribed area**

“(1) A person must not use in the Sugar Loaf Islands prescribed area—

“(a) a net or set line for fishing;

“(b) a line that has more than 3 hooks for fishing.

“(2) A person must not possess any fishing gear in the Sugar Loaf Islands prescribed area that is not permitted to be used in that

area unless the gear is stowed or sealed in such a manner that it cannot readily be used for fishing.

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

“Compare: SR 1986/223 r 5”

**9 Regulation 147 amended (Daily limits in internal waters of Fiordland)**

- (1) After regulation 147(1), insert:

“(1A) The maximum daily limit for rock lobster specified in the second column of Schedule 13 does not apply within the waters of Milford Sound (as described in the definition of the internal waters of Fiordland in Schedule 18), where the maximum daily limit of rock lobsters that may be taken or possessed is 3.”

- (2) In regulation 147(5)(a), replace “subclause (2)” with “subclause (3)”.
- (3) In regulation 147(5)(b), replace “subclause (3)” with “subclause (4)”.

**10 Regulation 160 amended (Limitation on defence in Fiordland (Te Moana o Atawhenua) marine area or internal waters of Fiordland)**

In regulation 160, replace “the waters of Milford Sound” with “within the waters of Milford Sound (as described in the definition of the internal waters of Fiordland in Schedule 18)” in each place.

**11 Schedule 13 amended**

In Schedule 13, item relating to rock lobster, replace “3” with “6”.

**12 Schedule 14 amended**

- (1) In Schedule 14, replace clause 2(1)(i)(ii) and (iii) with:  
“(ii) Tauroa (Reef) Point–Whangape Harbour.”
- (2) In Schedule 14, clause 2(2), revoke the definition of **Maunganui Bluff–Tirua Point**.

- (3) In Schedule 14, revoke clause 2(3).
- (4) In Schedule 14, after clause 2, insert:
- “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°45.54’S and 173°33.30’E); then
  - “(b) proceeding in a southerly direction by the mean high-water mark to Kaipara Harbour–Pouto Point light (at 36°21.76’S and 174°10.87’E); then
  - “(c) proceeding by a straight line to Kaipara Harbour–South Head light (at 36°25.80’S and 174°14.20’E); then
  - “(d) proceeding by the mean high-water mark to the north-westernmost point of the south head of Kaipara Harbour (at 36°25.67’S and 174°13.94’E); then
  - “(e) proceeding by a straight line to Papakanui Spit east (at 36°25.71’S and 174°13.21’E); then
  - “(f) proceeding by a straight line to Papakanui Spit west (at 36°25.75’S and 174°12.70’E); then
  - “(g) proceeding by the mean high-water mark to Lawry Point (at 36°59.31’S and 174°37.05’E) on the northern side of Manukau Harbour; then
  - “(h) proceeding by a straight line to Channel Marker No 4 in Manukau Harbour (at 37°02.00’S and 174°42.10’E); then
  - “(i) proceeding by a straight line to a point at 37°04.04’S and 174°39.92’E; then
  - “(j) proceeding by the mean high-water mark to a point on the northern side of the Waikato River (at 37°22.59’S and 174°43.94’E); then
  - “(k) proceeding by a straight line to the jetty on the south head of the Waikato River (at 37°23.16’S and 174°43.94’E); then
  - “(l) proceeding by the mean high-water mark to a point on the northern side of Raglan Harbour (at 37°47.74’S and 174°51.54’E); then

- “(m) proceeding by a straight line to Putoetoe Point (at 37°48.01’S and 174°51.87’E); then
  - “(n) proceeding by the mean high-water mark to Potahi Point at Aotea Harbour (at 38°00.56’S and 174°47.97’E); then
  - “(o) proceeding in a straight line to Kahua Point at Aotea Harbour (at 38°02.19’S and 174°47.09’E); then
  - “(p) proceeding by the mean high-water mark to Tauratahi Point at Kawhia Harbour (at 38°05.05’S and 174°46.86’E); then
  - “(q) proceeding by a straight line to Urawhitiki Point (at 38°05.26’S and 174°46.25’E); then
  - “(r) proceeding by the mean high-water mark to Tirua Point (at 38°23.22’S and 174°38.04’E); then
  - “(s) extending seaward in a westerly direction 7 nautical miles along the Auckland and Kermadec FMA boundary to a point at 38°21.80’S and 174°29.43’E; then
  - “(t) proceeding in a northerly direction at a distance of 7 nautical miles from the mean high-water mark to a point 7 nautical miles due west from Maunganui Bluff (at 35°45.54’S and 173°22.78’E); then
  - “(u) proceeding due east to Maunganui Bluff (at 35°45.54’S and 173°33.30’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.”

### 13 Schedule 15 amended

- (1) In Schedule 15, clause 1(1), revoke the definition of **Sugar Loaf Islands conservation area**.
- (2) In Schedule 15, clause 1(1), replace the definition of **Sugar Loaf Islands prescribed area** with:

“**Sugar Loaf Islands prescribed area** means all those waters and islands enclosed by a line—

- “(a) commencing at a point on the mean high-water mark (at 39°04.17’S and 174°01.10’E); then
- “(b) proceeding in a north-westerly direction to a point at 39°02.73’S and 174°00.08’E; then
- “(c) proceeding in a north-easterly direction to a point at 39°02.43’S and 174°00.41’E; then
- “(d) proceeding along the line of an arc of 900 m radius from a point on Matumahanga (Saddleback Island) (at 39°02.74’S and 174°00.89’E) to a point at 39°02.37’S and 174°01.29’E; then
- “(e) proceeding in a south-easterly direction to the navigation light on the lee breakwater of Port Taranaki (at 39°03.30’S and 174°02.68’E) to the point where this line intersects the north-western boundary of the New Plymouth Roadstead extended; then
- “(f) proceeding to the point on the mean high-water mark where the north-western boundary of the New Plymouth Roadstead crosses the mean high-water mark in the vicinity of Paritutu; then
- “(g) proceeding in a generally south-westerly direction along the mean high-water mark to the point of commencement”.

#### 14 Schedule 18 amended

- (1) In Schedule 18, clause 1(1), definition of **Fiordland blue cod closure area**, replace paragraph (a)(ii) with:
  - “(ii) proceeding in a south-westerly direction to a point at 44°36.33’S and 167°48.71’E; and”.
- (2) In Schedule 18, clause 1(1), definition of **internal waters of Fiordland**, replace paragraph (o) with:
  - “(o) those waters of Milford Sound (Piopiotahi) extending east of a straight line—
    - “(i) commencing at Dale Point (at 44°35.99’S and 167°49.12’E); then
    - “(ii) proceeding in a south-westerly direction to a point at 44°36.33’S and 167°48.71’E”.

**15 Schedule 19 amended**

- (1) In Schedule 19, Part 2, replace “r 62(1)” with “r 62(1), (2)”.
- (2) In Schedule 19, Part 3, replace the item relating to regulation 86(1), (2), and (3) with:
- |              |  |     |
|--------------|--|-----|
| r 86(1), (2) | Fishing, or possessing fishing gear, in the Sugar Loaf Islands prescribed area contrary to the regulations | 250 |
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Michael Webster,  
for Clerk of the Executive Council.

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### Explanatory note

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

These regulations amend the Fisheries (Amateur Fishing) Regulations 2013 (the **principal regulations**), with some amendments to come into force on 21 February 2014 and some on 1 April 2014.

The amendments that come into force on 21 February 2014 amend the principal regulations to—

- correct the species descriptions for pilchard or sardine and trevally; and
- remove an overlap in the Auckland and Kermadec set net prohibition area and the Maunganui Bluff–Tirua Point set net prohibition area; and
- remove references to, and restrictions concerning, the Sugar Loaf Islands conservation area to align the principal regulations with the Marine Reserve (Tapuae) Order 2008; and
- carry over a provision of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 that was inadvertently omitted from regulation 147 of the principal regulations and that specifies a different daily limit for rock lobsters in Milford Sound that overrides the general limit in the internal waters of Fiordland; and
- correct the daily limit for rock lobsters specified in Schedule 13; and



- correct and align some geographical descriptions in Schedule 18; and
- make other minor or consequential amendments.

The amendments that come into force on 1 April 2014 amend the principal regulations to—

- decrease the daily limit of snapper that can be taken from the Auckland (East) FMA from 9 to 7; and
- increase the minimum length of snapper that may be taken from the Auckland (East) FMA from 27 cm in length to 30 cm in length.

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Date of notification in *Gazette*: 20 February 2014.  
These regulations are administered by the Ministry for Primary Industries.

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