



FISHERIES (AUCKLAND AND KERMADEC AREAS AMATEUR FISHING) AMENDMENT REGULATIONS 1999

SIAN ELIAS, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 14th day of June 1999

Present:

HER EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983 and section 297 of the Fisheries Act 1996, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Application
3. Interpretation

4. Maximum daily number of fish
5. Offences
6. Revocation

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Amendment Regulations 1999, and are part of the Fisheries (Auckland

and Kermadec Areas Amateur Fishing) Regulations 1986* (“the principal regulations”).

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Application—The principal regulations are amended by revoking regulation 2, and substituting the following regulation:

“2. These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.”

3. Interpretation—Regulation 3 of the principal regulations is amended by inserting, before the definition of the term “Auckland Fishery Management Area”, the following definition:

“‘Act’ means the Fisheries Act 1983 or the Fisheries Act 1996.”

4. Maximum daily number of fish—The principal regulations are amended by revoking regulation 3A, and substituting the following regulation:

“3A. (1) Subclause (2) applies to fish of the following species:

Blue cod	Red cod
Blue moki	Red gurnard
Bluenose	Red moki
Butterfish	Rig
Elephant fish	School shark
Flatfish	Tarakihi
John dory	Trevally.
Kahawai	

“(2) No person may, on any day,—

“(a) Take from within the Auckland and Kermadec Fishery Management Areas more than 20 fish to which this subclause applies; or

“(b) Possess more than 20 such fish in those areas; or

“(c) Possess more than 20 such fish taken from within those areas.

“(3) No person may, on any day,—

“(a) Take from within the Auckland and Kermadec Fishery Management Areas more than 30 grey mullet; or

“(b) Possess more than 30 grey mullet in those areas; or

“(c) Possess more than 30 grey mullet taken from within those areas.

“(4) No person may, on any day,—

“(a) Take from within the Auckland and Kermadec Fishery Management Areas a total quantity of hapuku/bass and kingfish exceeding 5; or

*S.R. 1986/222

Amendment No. 1: S.R. 1992/209

Amendment No. 2: S.R. 1992/309

Amendment No. 3: S.R. 1993/285

Amendment No. 4: S.R. 1994/256

Amendment No. 5: S.R. 1995/213

Amendment No. 6: S.R. 1995/231

Amendment No. 7: S.R. 1996/18

Amendment No. 8: S.R. 1996/276

Amendment 1997: S.R. 1997/27

Amendment 1998: S.R. 1998/26

Amendment (No. 2) 1998: S.R. 1998/299

- “(b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in those areas; or
- “(c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within those areas.
- “(5) No person may, on any day,—
 - “(a) Take from within the Auckland and Kermadec Fishery Management Areas more than 3 kingfish; or
 - “(b) Possess more than 3 kingfish in those areas; or
 - “(c) Possess more than 3 kingfish taken from within those areas.
- “(6) No person may, on any day,—
 - “(a) Take from within the Auckland and Kermadec Fishery Management Areas more than 15 snapper; or
 - “(b) Possess more than 15 snapper in those areas; or
 - “(c) Possess more than 15 snapper taken from within those areas.
- “(7) No person may, on any day,—
 - “(a) Take from within the Auckland Fishery Management Area (East) more than 9 snapper; or
 - “(b) Possess more than 9 snapper in that area; or
 - “(c) Possess more than 9 snapper taken from within that area.”

5. Offences—Regulation 11 of the principal regulations is amended by adding the following subclauses:

“(2) Where, on or after 1 June 2002, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person is liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years immediately preceding the date of that conviction, that person has been convicted of any offence against any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.

“(3) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.”

6. Revocation—Regulation 3 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Amendment No. 5 is consequentially revoked.

MARIE SHROFF,
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 28 days after the date of their notification in the *Gazette*, amend the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986.

Regulation 2 revokes and replaces regulation 2 of the principal regulations, which relates to the application of those regulations. The new provision ensures that the principal regulations apply to the possession of fish as well as the taking of fish.

Regulation 3 inserts into regulation 3 of the principal regulations a definition of the term “Act”. The term includes the Fisheries Act 1996 as well as the Fisheries Act 1983.

Regulation 4 substitutes a new *regulation 3A* in the principal regulations, which allows a person to take, on any day, a limited number of fish from an area, be in possession of that number of fish while in that area, or be in possession of that limited number of fish if they have been taken from that area. The main reason for replacing regulation 3A is to make it consistent with the corresponding regulation in the other regional amateur fisheries regulations.

Regulation 5 amends regulation 11 of the principal regulations (which relates to offences) to provide that,—

- on or after 1 June 2002, a person who has reoffended within a period of 3 years is liable on conviction to a fine of \$10,000; and
- the penalty for repeat offenders applies only to offences carrying a maximum fine of \$5,000; and
- it is a defence if the excess fish were not taken in breach of the regulations.

Regulation 6 effects a consequential revocation.

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

Date of notification in *Gazette*: 17 June 1999.

These regulations are administered in the Ministry of Fisheries.