



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of September 1986

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Trawling and Danish seining prohibited within 1 mile of west Auckland coast 4. Trawling and Danish seining prohibited in defined areas 5. Restriction on mesh size of trawl nets 6. Pair trawling and pair Danish seining prohibitions 7. Fishing from vessels transporting Danish seine nets prohibited 8. Danish seine gear restrictions in Auckland Fisheries Area 9. Provisions as to Danish seining 10. Provisions as to trawling 11. Drag netting prohibited in defined areas 12. Restricted drag netting 13. Drag net mesh size for snapper 14. Stalling permitted in Kaipara Harbour | <ol style="list-style-type: none"> 15. Set netting for snapper, trevally, or rig 16. Maximum set net lengths in Kaipara Harbour 17. Seasonal prohibition on taking of finfish near Motu River 18. Restrictions on fishing in Manukau Harbour 19. Taking of finfish prohibited within 3 miles of Poor Knights Islands Marine Reserve 20. Taking of spotted black groper prohibited 21. Taking of rock lobster prohibited near North Cape light 22. Taking of scallops 23. All methods prohibited in certain waters 24. Offences 25. Revocation <p style="text-align: center;">Schedule</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Act” means the Fisheries Act 1983:

“Auckland Fisheries Area” means any or all of those waters described as such in the Schedule to these regulations:

“Auckland Fishery Management Area” means the fishery management area described as the Auckland Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412:

“Cod-end” means that part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net—

(a) Carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:

(b) Carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:

(c) Carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:

(d) Carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:

(e) Carried on a vessel 40 m or more overall length, not less than the last 20 m of net:

“Commercial fisherman” means any person who has a fishing permit issued under section 63 of the Act entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—

(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and

(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:

“Conveyance” means any vehicle, vessel, aircraft, hovercraft, animal, or other thing of whatever size which is capable of being used to carry or transport any fish or fishing gear:

“Danish seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:

“Danish seining” means using a Danish seine net:

- “Drag net” or “beach seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—
- (a) Has a buoyancy system on the top edge; and
 - (b) Is weighted on the bottom edge; and
 - (c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:
- “Finfish” includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes):
- “Harbour” means those waters lying inside the seaward entrance to any harbour:
- “Kermadec Fishery Management Area” means the fishery management area described as the Kermadec Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412:
- “Longline” means any line to which a hook or hooks (whether baited or not) are attached:
- “Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):
- “Net” includes any net capable of being used to take fish; but does not include a whitebait net:
- “Overall length” means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:
- “Oyster” includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*) and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster:
- “Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- “Spotted black groper” means the fish of which the scientific name is *Epinephalus daemeli*:
- “Stalling” means the process whereby a net is set in such a manner that any fish enclosed or entangled by the net is left stranded by the falling tide or is enclosed or entangled in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net:
- “Trawl net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—
- (a) Has a buoyancy system on the top edge; and
 - (b) Is weighted on the bottom edge; and
 - (c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—
- but does not include a Danish seine net:

“Whitebait net” means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly known as whitebait.

3. Trawling and Danish seining prohibited within 1 mile of west Auckland coast—No commercial fisherman shall use any trawl net or Danish seine net within 1 nautical mile to the seaward of a baseline commencing at Scott Point (at 34°31.35'S and 172°42.2'E); then by the mean high-water mark to the north head of Herekino Harbour (at 35°17.7'S and 173°09.9'E); then by a straight line to the south head of Herekino Harbour (at 35°17.95'S and 173°09.5'E); then by the mean high-water mark to the north head of Whangape Harbour (at 35°22.5'S and 173°13.1'E); then by a straight line to the south head of Whangape Harbour (at 35°22.75'S and 173°13.25'E); then by the mean high-water mark to the north head of Hokianga Harbour (at 35°31.5'S and 173°21.45'E); then by a straight line to the south head of Hokianga Harbour (at 35°32.2'S and 173°22.3'E); then by the mean high-water mark to the southernmost extremity of the north head of Kaipara Harbour (at 36°24.2'S and 174°03'E); then by a straight line to Pukitu on the south head of Kaipara Harbour (at 36°30'S and 174°12.65'E); then by the mean high-water mark to Tirikohua Point (at 36°51.25'S and 174°26.15'E).

4. Trawling and Danish seining prohibited in defined areas—No commercial fisherman shall use for taking fish a trawl net or a Danish seine net within the following waters:

- (a) *Parengarenga Harbour*: The waters of Parengarenga Harbour lying inside a straight line drawn from the northeasternmost extremity of the Kokota Peninsula (at 34°32'S and 172°59.4'E) in a northeasterly direction to the easternmost extremity of Ohao Point (otherwise known as Coal Point) (at 34°30.64'S and 173°00.4'E):
- (b) *Rangaunu Bay*: The waters of Rangaunu Bay lying inside a straight line drawn from the easternmost extremity of Grenville Point (at 34°46.13'S and 173°09.3'E) to the northernmost end of the northern island of the Mutoroa Islands (at 34°46.1'S and 173°20.72'E); then to the northernmost extremity of Cape Karikari (at 34°46.95'S and 173°23.79'E):
- (c) *Doubtless Bay*: The waters of Doubtless Bay lying inside a straight line drawn from the easternmost extremity of Knuckle Point (at 34°51.05'S and 173°28.2'E) to the northernmost extremity of Flat Head (otherwise known as Bergan Point) (at 34°54.9'S and 173°33.45'E):
- (d) *Whangaroa Harbour*: The waters of Whangaroa Harbour and Whangaroa Bay lying inside a straight line commencing at Karau Point (at 34°57.3'S and 173°42.3'E) and extending to the northwesternmost point of Stephenson Island (at 34°57.4'S and 173°46.15'E); then along the mean high-water mark of the southern shore of Stephenson Island in a generally south-easterly direction to the easternmost point of Stephenson Island (at 34°58.1'S and 173°47.28'E); then in a straight line to Frenchman Rock (at 34°59.45'S and 173°49.1'E); then in a straight line due south to the point of intersection with the shore at the north-eastern entrance of Whangaihe Bay (at 34°59.7'S and 173°49.1'E):

- (e) *Bay of Islands*: The waters of the Bay of Islands lying inside a line commencing at the easternmost point of Cape Wiwiki (at 35°09.42'S and 174°07.7'E); then in a straight line to the northern extremity of Red Head (at 35°11.9'S and 174°12.44'E); then in a straight line in a north-easterly direction to the northern extremity of Cape Brett (at 35°10.46'S and 174°20.05'E):
- (f) *Whangaruru Harbour*: The waters of Whangaruru Harbour lying inside a line commencing at the westernmost extremity of Cape Home (at 35°22.6'S and 174°22.53'E) on the northern side of the entrance of the harbour; then in a straight line in a south-westerly direction to the easternmost extremity of Henry Island (at 35°23.08'S and 174°22.37'E); then through the easternmost extremity of Nops Island (at 35°24.4'S and 174°21.8'E); then in a straight line to the shore on the southern side of the harbour (at 35°24.4'S and 174°21.3'E):
- (g) *Tutukaka Harbour*: The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head (at 35°36.9'S and 174°32.4'E) in a south-westerly direction through the Rocky Islets to the headland on the southern side of the entrance (at 35°37.2'S and 174°32.4'E) to the harbour:
- (h) *Whangarei-Bream Bay*: The waters of the sea lying inside a straight line drawn from the southernmost extremity of Busby Head (at 35°51.8'S and 174°31.9'E) to the shore on the southern end of Bream Bay (at 36°02.9'S and 174°33.3'E):
- (i) *North Rodney*: The waters of the sea lying within 1 nautical mile from the mean high-water mark of the shore that extends from Sentinel Rock (at 36°5.1'S and 174°36.2'E) to the easternmost extremity of Cape Rodney (at 36°16.8'S and 174°49.3'E)—
at any time between the 1st day of October in any year and the 1st day of April in the following year (both days inclusive):
- (j) *Hauraki Gulf (including the Firth of Thames)*: Area 007 of the Auckland Fisheries Area, and that part of area 006 of the Auckland Fisheries Area inside a straight line drawn from the easternmost point of Tawharanui Peninsula (at 36°22.2'S and 175°52.05'E); then by a straight line to Slater Point on Kawau Island (at 36°24.6'S and 174°52.2'E); then by the mean high-water mark around the eastern side of Kawau Island to Kawau Point (at 36°27.1'S and 174°52.6'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to an unnamed point on the western shore of the Coromandel Peninsula at (36°31.6'S and 175°19.7'E)—
except that this prohibition shall not apply to the use of a Danish seine net drawn or hauled by not more than one vessel in all that part of area 006 of the Auckland Fisheries Area lying westward of a straight line drawn from the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E) to an unnamed point on the western shore of the Coromandel Peninsula at (36°31.6'S and 175°19.65'E):
- (k) *Areas 005 and 006 of the Auckland Fisheries Area*, where the vessel is of 20 m or more overall length:
- (l) *Port Abercrombie and Port Fitzroy*: The waters of and adjacent to Port Abercrombie and Port Fitzroy in Great Barrier Island lying inside

a line drawn from Wellington Head (at 36°09.78'S and 175°16.91'E) to the northwesternmost point of Okokewa Island (at 36°08.6'S and 175°18.41'E) (Green Isle); then by a straight line to the nearest point of the mainland of Great Barrier Island (at 36°08.5'S and 175°18.53'E); and lying inside a line drawn from the northeasternmost point of Motukaku Island (at 36°09.91'S and 175°17.61'E) to the northwesternmost point of Nelson Island (at 36°10'S and 175°17.8'E); then from the southeasternmost point of Nelson Island (at 36°10.11'S and 175°18.07'E) to the northwesternmost point of Kaikoura Island (at 36°10.14'S and 175°18.18'E); and lying inside a straight line drawn across Man 'O' War Passage at its narrowest point (from 36°11.35'S and 175°19.51'E to 36°11.42'S and 175°19.51'E):

- (m) *Tryphena Harbour*: The waters of Tryphena Harbour on Great Barrier Island lying inside a straight line drawn from Tryphena Point (at 36°19.23'S and 175°28.75'E) and passing through Bird Islet (at 36°18.8'S and 175°28.25'E) to the nearest point of the mainland of Great Barrier Island:
- (n) *Kennedy Bay, Whangapoua Harbour, Opito Bay, and adjacent waters*: The waters of Kennedy Bay, Whangapoua Harbour, Opito Bay, and the part of the sea adjacent thereto lying inside straight lines drawn from Te Anaputa Point (at 36°32.7'S and 175°32'E) generally in a south-easterly direction to Tokarahu Point (at 36°41.61'S and 175°47.51'E); then generally in a south-easterly direction to Opito Point (at 36°43.1'S and 175°49.1'E):
- (o) *Mercury Bay*: The waters of Mercury Bay lying inside a line commencing at the easternmost headland of Humber Bay (at 36°44.5'S and 175°49.63'E); then by a straight line to the easternmost extremity of Te Tui Island (otherwise known as Mahurangi Island) (at 36°49.73'S and 175°49.47'E); then by the mean high-water mark to the southernmost extremity of Te Tui Island (at 36°50.15'S and 175°49'E); then to the easternmost extremity of Herehere-Taura Point (at 36°50.6'S and 175°49.17'E); as shown on Chart NZ:5318:
- (p) *Whangamata Harbour and Whangamata River, Bay of Plenty*: The waters of Whangamata Harbour and the Whangamata River and the part of the adjacent sea lying within a radius of 3 nautical miles from the southernmost extremity of the northern head at the mouth of the Whangamata Harbour (at 37°12.3'S and 175°53'E):
- (q) *Homunga Bay to Haurere Point*: The waters lying within 2 nautical miles of the mean high-water mark on that part of the shore of the Bay of Plenty which commences at the northernmost extremity of Homunga Bay (at 37°21.52'S and 175°56.5'E) to the westernmost extremity of Haurere Point (at 37°57.5'S and 177°26.9'E):
- (r) *Cape Runaway*: The waters lying inside a straight line drawn from the northernmost extremity of Orete Point on the eastern side of the Bay of Plenty (at 37°36.2'S and 177°54.4'E) to the northernmost extremity of Cape Runaway (at 37°32.2'S and 177°59.5'E):
- (s) *Kawhia Harbour*: The waters of Kawhia Harbour lying inside a straight line drawn from the northernmost extremity of Urawitiki Point (at 38°05.5'S and 174°45.6'E) on the southern head of Kawhia

Harbour to North Head or Tau-ra-tahi (at 38°05.18'S and 174°46.9'E):

- (t) *Aotea Harbour*: The waters of Aotea Harbour and the adjacent sea lying within a radius of 1.5 nautical miles from the westernmost extremity of Kahua Point (at 38°02.2'S and 174°47'E):
- (u) *Raglan Harbour*: The waters of Raglan Harbour and the adjacent sea lying within a radius of 1.5 nautical miles from the westernmost extremity of Rangitoto Point (at 37°48.75'S and 174°50.4'E):
- (v) *Manukau Harbour*: The waters of Manukau Harbour lying inside a straight line drawn from the signal staff on the south head (at 37°03.17'S and 174°32.65'E) to the easternmost extremity of Paratutai Island (at 37°02.92'S and 174°30.5'E):
- (w) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of North Head (at 36°23.8'S and 174°03'E) to Pukitu on the south head of the harbour at 36°30'S and 174°12.65'E):
- (x) *Herekino Harbour*: The waters of Herekino Harbour lying inside a straight line drawn from the north head of the harbour (at 35°17.7'S and 173°09.9'E) to the south head of the harbour (at 35°17.95'S and 173°09.5'E):
- (y) *Whangape Harbour*: The waters of Whangape Harbour lying inside a straight line drawn from the north head of the harbour (at 35°22.5'S and 173°13.1'E) to the south head of the harbour (at 35°22.75'S and 173°13.25'E):
- (z) *Hokianga Harbour*: The waters of Hokianga Harbour lying inside a straight line drawn from the north head of the harbour (at 35°31.5'S and 173°21.45'E) to the south head of the harbour (at 35°32.2'S and 173°22.3'E).

5. Restriction on mesh size of trawl nets—(1) Notwithstanding regulation 47 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to trawl net mesh sizes, no commercial fisherman shall, during the period commencing with the 1st day of October in any year and ending with the close of the next 31st day of March, use for taking fish or possess on board any New Zealand fishing vessel in the Auckland Fishery Management Area (outside the Auckland Fisheries Area) any trawl net with a mesh size of less than 125 mm in the cod-end.

(2) Nothing in subclause (1) of this regulation shall apply in respect of any trawl net that is on board any vessel but stowed in such a manner that is not readily available for fishing.

(3) Notwithstanding regulation 47 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to trawl net mesh sizes, no commercial fisherman shall, at any time, use for taking fish in the Auckland Fisheries Area any trawl net with a mesh size of less than 125 mm in the cod-end.

6. Pair trawling and pair Danish seining prohibitions—(1) *Bay of Plenty*: No commercial fisherman shall use any trawl net or Danish seine net that is drawn or hauled by more than one fishing vessel in the waters of the Bay of Plenty enclosed by a line commencing at Tokarahu Point (at

36°41.61'S and 175°47.4'E); then due east to a point 36°41.61'S and 177°59'E; then due south to Cape Runaway (at 37°32.2'S and 177°59'E); then generally westward along the mean high-water mark to the point of commencement.

(2) *Auckland Fisheries Area*: No commercial fisherman shall use any trawl net or Danish seine net that is drawn or hauled by more than one fishing vessel in areas 005, 006, or 007 of the Auckland Fisheries Area, except within those waters of area 005 which lie north of a line drawn between Cape Rodney (at 38°15.8'S and 174°29.5'E) and Cape Barrier on Great Barrier Island (at 36°20.9'S and 175°31.8'E) where the fisherman's fishing permit has been endorsed with a condition authorising the commercial fisherman to do so.

7. Fishing from vessels transporting Danish seine nets prohibited—No commercial fisherman shall, in waters where Danish seining is prohibited, take fish by any method from any vessel that has on board any Danish seine net.

8. Danish seine gear restrictions in Auckland Fisheries Area—No commercial fisherman shall use any Danish seine net, including any warp, rope, or chain used in conjunction with or attached to the net, in area 006 of the Auckland Fisheries Area at any time between the 1st day of October in any year and the 31st day of March in the following year (both days inclusive), the dimensions of which exceed—

- (a) 76.5 m in circumference at the place where the square or apron of the net is joined to the lower belly of the bag of the net; or
- (b) 48 m in length measured from the centre of the bolsh-line to the front or leading edge of the cod-end; or
- (c) 2,400 m in length of warp, rope, or chain on either side of the net.

9. Provisions as to Danish seining—(1) No commercial fisherman shall use or transport a trawl net on any fishing vessel while the vessel is also transporting or using a Danish seine net.

(2) No commercial fisherman shall use or transport any otter board or boards on any fishing vessel while such a vessel is engaged in Danish seining or carrying any Danish seine gear.

10. Provisions as to trawling—No commercial fisherman shall use or transport a Danish seine net on any fishing vessel while such a vessel is also transporting or using a trawl net.

11. Drag netting prohibited in defined areas—No commercial fisherman shall use a drag net at any time in the following waters:

- (a) *Whangarei Harbour*: The waters of the Whangarei Harbour lying inside a straight line drawn from Marsden Point (at 35°50.45'S and 174°29.96'E) to Lort Point (at 35°49.98'S and 174°30.13'E); except that area specified in regulation 12 of these regulations:
- (b) *Kawhia Harbour*: The waters of Kawhia Harbour lying inside a straight line drawn from the northernmost extremity of Urawitiki Point (at 38°5.5'S and 174°45.4'E) on the Southern Head of Kawhia Harbour to North Head or Tau-ra-tahi (at 38°05.18'S and 174°46.9'E):

- (c) *Aotea Harbour*: The waters of Aotea Harbour lying inside a straight line drawn from the northernmost extremity of Kahua Point (at 38°02.2'S and 174°46.8'E) to Potahi, the Northern Head (at 38°00.5'S and 174°47.5'E):
- (d) *Raglan Harbour*: The waters of Raglan Harbour lying inside a straight line drawn from the northernmost extremity of South Head (at 37°48.35'S and 174°50.56'E) to the westernmost extremity of Rangitoto Point (at 37°48.75'S and 174°50.4'E) on the Northern Head at the entrance of Raglan Harbour:
- (e) *Manukau Harbour*: Those waters of the Manukau Harbour lying inside a straight line drawn from the signal staff at South Head (at 37°03.17'S and 174°32.65'E) to Paratutai Island (at 37°02.92'S and 174°30.5'E):
- (f) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of North Head (at 36°23.8'S and 174°03'E) to Pukitu on the South Head of the harbour (at 36°30'S and 174°12.65'E):
- (g) *Tauranga Harbour*:
- (i) Those waters lying east of a straight line drawn from the southernmost point of Matakana Island (at 37°38.76'S and 176°09.03'E) to Tilby Point (at 37°39.68'S and 176°07.42'E):
 - (ii) Those waters enclosed by a line commencing at Matakana Point (also known as Flax Point) (at 37°36.2'S and 176°02.05'E) on Matakana Island to Ngakautuakina Point (also known as Pahoia Point) on the mainland (at 37°37.6'S and 176°00.98'E); then along the mean high-water mark to a point east of Tahawai Stream (at 37°31.97'S and 175°56.82'E); then by a straight line in an easterly direction to Tirohanga Point at the southern headland of the entrance to Blue Gum Bay on Matakana Island (at 37°34.33'S and 176°01.8'E); then along the mean high-water mark to the point of commencement:
 - (iii) Those waters lying inside a line drawn from Papatu Point (at 37°28.25'S and 175°59.15'E); then in a straight line to the northwesternmost point of Matakana Island (at 37°28.46'S and 175°59.12'E); then along the mean high-water mark to the easternmost point of Matakana Island (at 37°38.23'S and 176°09.71'E); then in a straight line to the southernmost extremity of Mount Maunganui (at 37°38.27'S and 176°10.14'E) at any time except—
 - (A) During the period commencing on the 1st day of June in any year and expiring with the 31st day of August in the same year (both days inclusive); and
 - (B) During the period commencing on the 14th day of December in any year and expiring with the 31st day of January in the following year (both days inclusive).

12. Restricted drag netting—Snake Bank—Notwithstanding regulation 5 (a) of these regulations, any commercial fisherman may use a drag net that has no pocket or cod-end in the waters surrounding Snake Bank in the Whangarei Harbour bounded by a line commencing at Marsden Point (at 35°50.45'S and 174°29.96'E); then along the mean high-water mark to One Tree Point (at 35°49.2'S and 174°27.23'E); then along a straight line to Manganese Point (at 35°47.78'S and 174°26.74'E); then along a straight line

to Reserve Point (at 35°47.68'S and 174°27.44'E); then along the mean high-water mark to a point approximately one-half nautical mile due south of Munro Bay (at 35°47.71'S and 174°28.88'E); then along a straight line to Darch Point (at 35°49.33'S and 174°29.56'E); then along the mean high-water mark to Lort Point (at 35°49.97'S and 174°30.14'E); then along a straight line to the point of commencement at Marsden Point.

13. Drag net mesh size for snapper—Notwithstanding regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to net mesh sizes, no commercial fisherman shall use for taking snapper in the Auckland Fishery Management Area any drag net with a mesh size of less than 125 mm.

14. Stalling permitted in Kaipara Harbour—Notwithstanding regulation 22 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to stalling or set netting, any commercial fisherman may take fish by stalling using a set net on the mudflats in Kaipara Harbour subject to the following conditions:

- (a) The size of mesh of set nets used shall not be less than 100 mm;
- (b) No set net the size of the mesh of which is less than 100 mm shall be aboard any fishing vessel used in such fishing or any tender;
- (c) Not more than 540 m of set net shall be set from any one fishing vessel (including any tender);
- (d) Not more than 540 m of set net shall be carried aboard any one fishing vessel (including any tender);
- (e) The set nets used or set by different commercial fishermen shall not be joined together;
- (f) There shall be a clear space of not less than 90 m between any nets set by different commercial fishermen, and no commercial fishermen shall set nets without leaving such a space.

15. Set netting for snapper, trevally, or rig—No commercial fisherman shall fish for or take any snapper, trevally, or rig within the Auckland Fishery Management Area by means of any set net which has mesh of a size less than 125 mm.

16. Maximum set net lengths in Kaipara Harbour—(1) Notwithstanding regulation 42 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to set nets, no commercial fisherman shall use to take mullet or kahawai in Kaipara Harbour set nets of a total length in excess of 1000 m.

(2) Notwithstanding regulation 42 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to set nets, no commercial fisherman shall use to take flounder in Kaipara Harbour set nets of a total length in excess of 1000 m.

(3) Notwithstanding regulation 42 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulations made pursuant to the Act relating to set nets, no commercial fisherman shall use to take fish (not being fish specified in subclause (1) or subclause (2) of this regulation) set nets of a total length in excess of 1000 m.

17. Seasonal prohibition on taking of finfish near Motu River—No commercial fisherman shall take by any method or be in possession of any finfish taken at any time between the 1st day of December in any year and the 31st day of March in the following year (both days inclusive) from the waters adjacent to the Motu River in the Bay of Plenty lying within a radius of 6 nautical miles of the Okatoa Rocks (at 37°53.7'S and 177°32.7'E).

18. Restrictions on fishing in Manukau Harbour—(1) No commercial fisherman shall take any fish from the prescribed area during the hours between sunrise and sunset or be in possession of any fish during those hours while within the prescribed area.

(2) No commercial fisherman aboard any vessel in the prescribed area shall at any time cast overboard any fish, fish offal, or other refuse likely to attract birds into the area.

(3) For the purposes of this regulation, the expression "prescribed area" means all that area of water in the Manukau Harbour bounded by a line commencing at the intersection of 37°01.5'S and 174°45.2'E; and proceeding northerly along the 174°45.2' East meridian of longitude to the mean high-water mark of the sea; then in a generally easterly direction along that mean high-water mark to its intersection with the 37°00' South parallel of latitude; then easterly along the 37°00' South parallel of latitude to its intersection with the mean high-water mark; then in a generally south-easterly direction along the mean high-water mark to its intersection with the 37°01' South parallel of latitude; then south-westerly along a straight line to its intersection with the point 37°01.5'S and 174°49.3'E; then westerly along the 37°01.5' South parallel of latitude to the point of commencement.

19. Taking of finfish prohibited within 3 miles of Poor Knights Islands Marine Reserve—(1) No commercial fisherman shall take any finfish or have in possession any finfish taken from the waters lying between the outer limits of the Poor Knights Islands Marine Reserve, as described in the Marine Reserve (Poor Knights Islands) Order 1981*, and a line every point of which is 3 nautical miles from the mean high-water mark on the Poor Knights Islands, High Peak Rocks, Sugarloaf Rock, and adjacent islands and rocks.

(2) Nothing in subclause (1) of this regulation shall apply to the use of a longline to take finfish or finfish taken by longline in those waters lying between a line every point of which is 1 nautical mile from the mean high-water mark on the Poor Knights Islands, High Peak Rocks, Sugarloaf Rock, and adjacent islands and rocks, and a line every point of which is 3 nautical miles from that mean high-water mark.

20. Taking of spotted black groper prohibited—No commercial fisherman shall take or be in possession of any spotted black groper taken from the Auckland Fishery Management Area or the Kermadec Fishery Management Area.

21. Taking of rock lobster prohibited near North Cape light—No commercial fisherman shall take any rock lobster from those waters lying to the north-east of the North Island bounded by a line commencing at the North Cape light (at 34°25.2'S and 173°03.6'E) and proceeding northerly

along the 173°03' East meridian of longitude to its intersection with the 34°20' South parallel of latitude; then easterly along that parallel of latitude to its intersection with the 173°09' East meridian of longitude; then southerly along that meridian of longitude to its intersection with the 34°28' South parallel of latitude to its intersection with the 173°03' East meridian of longitude; then northerly along that meridian of longitude to the North Cape light.

22. Taking of scallops—No commercial fisherman shall take by any fishing method from or be in possession of scallops taken within the following waters:

- (a) *Manukau Harbour*: The waters of Manukau Harbour lying inside a straight line drawn from the signal staff on the south head (at 37°03.17'S and 174°32.65'E) to the easternmost extremity of Paratutai Island (at 37°02.9'S and 174°30.73'E);
- (b) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southernmost extremity of North Head (at 36°23.8'S and 174°03'E) to Pukitu on the south head of the harbour (at 36°30'S and 174°12.65'E).

23. All methods prohibited in certain waters—(1) *Tawharanui Peninsula*: No commercial fisherman shall take fish or seaweed by any fishing method, or be in possession of any fish or seaweed taken from, the waters lying on the northern side of Tawharanui Peninsula inside a straight line drawn from a point 36°21.8'S and 174°49.3'E; then in a northerly direction to a point 36°21.4'S and 174°49.6'E; then in a generally easterly direction by a line every point of which is one-half nautical mile from the mean high-water mark to a point 36°21.3'S and 174°51.7'E; then by a straight line due South to the point of commencement.

(2) *Mimiwhangata Peninsula*: No commercial fisherman shall take fish or seaweed by any fishing method, or be in possession of any fish or seaweed taken from, Mimiwhangata Peninsula.

(3) For the purposes of subclause (2) of this regulation, Mimiwhangata Peninsula means all that area of water adjacent to Paparahi Point and Rimariki Island on the east coast of the county of Whangarei, bounded by a line commencing at the mean high-water mark of the sea at the western extremity of Lot 1, D.P. 89739, North Auckland Land District, being approximately latitude 35°26.08'S and longitude 174°23.08'E and proceeding due North for a distance of 1000 m; then proceeding initially in a generally easterly direction to a point 1000 m due North of Ngataurau Rock; then to a point 1000 m due North of the northern extremity of Rimariki Island; then in a south-easterly direction to a point 1000 m due East of Motuwharariki Island; then in a generally south-westerly direction to a point 1000 m due East of the eastern extremity of Otawhanga Island; then to a point on a bearing of 59°02.67' and at a distance of 1000 m from the south-eastern boundary of Te Ruatahi 2A Block; then in a generally south-westerly direction to a point at the mean high-water mark of the sea at the south-eastern boundary of the Te Ruatahi 2A Block being approximately latitude 35°27.75'S and longitude 174°25.91'E; then along the line of the mean high-water mark initially in a northerly direction and proceeding along that mark to the point of commencement.

- (4) Nothing in subclause (2) of this regulation shall apply in respect of—
- (a) Potting for rock lobster or rock lobster taken by potting; or

(b) Longlining for finfish or finfish taken by longlining—
before the 1st day of October 1993.

(5) *Tauranga Harbour*: No commercial fisherman shall take by any fishing method or be in possession of any fish or seaweed taken from those waters of Tauranga Harbour which lie south of the Tauranga-Taneatua railway bridge (at 37°41.33'S and 176°10.23'E to 37°41.22'S and 176°10.5'E).

24. Offences—(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 3, 4, 5, 6, 8, 15, 19, 20, 21, 22, and 23 of these regulations.

(2) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who acts in contravention of, or fails to comply with, any of these regulations not referred to in subclause (1) of this regulation.

25. Revocation—The Fisheries (Auckland Commercial Fishing Restrictions) Notice 1985 (S.R. 1985/141) is hereby revoked.

SCHEDULE

AUCKLAND FISHERIES AREA

The following areas together comprise the Auckland Fisheries Area:

Area	Description
Area 005	Those waters lying inside a line drawn from Bream Tail (at 36°03'S and 174°35.3'E) to Needles Point (at 36°01.7'S and 175°24.4'E); then by a straight line to the northernmost extremity of Great Barrier Island (at 36°02.6'S and 175°24.15'E); then around the mean high-water mark of the western coastline of Great Barrier Island to Cape Barrier (at 36°21.05'S and 175°31.4'E); then by a straight line to Cape Colville (at 36°28.3'S and 175°20.7'E); then by a straight line to Cape Rodney (at 36°16.8'S and 174°49.3'E); then by the mean high-water mark in a north-westerly direction to Bream Tail (at 36°03'S and 174°35.3'E).

SCHEDULE—*continued*

Area	Description
Area 006	<p>The waters of Hauraki Gulf lying inside the straight line drawn from the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175°52.05'E) to Slater Point (at 36°24.6'S and 174°52.2'E) on Kawau Island; then by the mean high-water mark on the eastern side of Kawau Island to Kawau Point (at 36°27.1'S and 174°52.6'E); then by a straight line to the lighthouse on Tiritiri Matangi Island (at 36°36.4'S and 174°53.85'E); then by a straight line to Thumb Point (at 36°44.4'S and 175°10.3'E) on Waiheke Island; then by a straight line to the western extremity of Motuoruhi Island (at 36°44.6'S and 175°23.8'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to Tokotarea Point (at 36°36.75'S and 175°26.2'E) at the northern entrance to Colville Bay; then by the mean high-water mark in a north-westerly direction to Cape Colville (at 36°28.3'S and 175°20.7'E); then by a straight line to Cape Rodney (at 36°16.8'S and 174°47.3'E); then by the mean high-water mark in a southerly direction to the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175°52.05'E).</p>
Area 007	<p>The waters of Hauraki Gulf and the Firth of Thames lying inside a straight line drawn from the easternmost point of Tawharanui Peninsula (Takatu Point) (at 36°22.2'S and 175°52.05'E) to Slater Point (at 36°24.6'S and 174°52.2'E) on Kawau Island; then around the mean high-water mark to Kawau Point (at 36°27.1'S and 174°52.6'E); then by a straight line to the lighthouse on Tiritiri Matangi Island (at 36°36.4'S and 174°53.85'E); then by a straight line to Thumb Point (at 36°44.4'S and 175°10.3'E) on Waiheke Island; then by a straight line to the western extremity of Motuoruhi Island (at 36°44.6'S and 175°23.8'E); then by a straight line to the western extremity of Motukahaua Island (at 36°39.57'S and 175°22.2'E); then by a straight line to Tokotarea Point (at 36°36.75'S and 175°26.2'E) at the northern entrance to Colville Bay; then by the mean high-water mark around the coast of the mainland back to the easternmost point of Tawharanui Peninsula (at 36°22.2'S and 175°52.05'E).</p>

P. G. MILLEN,
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 replace the Fisheries (Auckland Commercial Fishing Restrictions) Notice 1985 and continue many of the restrictions and controls. However, there are a number of new measures including—

- (a) The introduction of Danish seine gear restrictions in the Hauraki Gulf;
- (b) The closure of the area known as "The Puddle" to trawling and Danish seining;
- (c) The introduction of a seasonal fishing prohibition near the Motu River in the Bay of Plenty;
- (d) The imposition of controls on set net lengths in the Kaipara Harbour;
- (e) A seasonal prohibition on the use or possession on board any vessel of a trawl net with a mesh less than 125mm in the cod-end.
- (f) A prohibition on the taking or possession of spotted black groper.

These regulations should be considered in conjunction with the Fisheries (Commercial Fishing) Regulations 1986 (S.R. 1986/215) which impose prohibitions and controls of nationwide application.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

These regulations are administered in the Ministry of Agriculture and Fisheries.