



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 11**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of October 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 11, and shall be read together with and deemed part of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*S.R. 1986/216

Amendment No. 1: S.R. 1986/251
Amendment No. 2: S.R. 1988/5
Amendment No. 3: S.R. 1989/291
Amendment No. 4: *(Revoked by S.R. 1995/33)*
Amendment No. 5: S.R. 1991/161
Amendment No. 6: S.R. 1992/210
Amendment No. 7: S.R. 1993/279
Amendment No. 8: S.R. 1994/181
Amendment No. 9: S.R. 1995/33
Amendment No. 10: S.R. 1995/158

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

2. Interpretation—Regulation 2 of the principal regulations (as substituted by regulation 2 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 5) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Black flounder’ means a fish of the species *Rhombosolea retiaria*:

“ ‘Brill’ means a fish of the species *Colistium guntheri*:

“ ‘Flatfish’ means brill, turbot, lemon sole, New Zealand sole, sand flounder, yellowbelly flounder, black flounder, and greenback flounder:

“ ‘Greenback flounder’ means a fish of the species *Rhombosolea tapirina*:

“ ‘Inner Hauraki Gulf’ means all those waters of the Inner Hauraki Gulf bounded by a line commencing at Cape Rodney (at 36° 16.8’S and 174° 49.4’E), then along a straight line to Takatu Point (at 36° 22.05’S and 175° 52.0’E); then by a straight line to Slater Point (Kawau Island) (at 36° 24.8’S and 174° 52.4’E); then by mean high-water mark along the eastern side of Kawau Island to Kawau Point (at 36° 26.9’S and 174° 52.75’E); then by a straight line to Haurua Point (Whangaparaoa Peninsula) (at 36° 35.68’S and 174° 50.28’E); then by mean high-water mark to a point on the southern side of Whangaparaoa Peninsula (adjacent to Te Haruhi Bay) (at 36° 37.31’S and 174° 49.75’E); then by a straight line to the northernmost point of Rakino Island (at 36° 42.63’S and 174° 56.74’E); then by mean high-water mark to a point on the north-east side of Rakino Island (at 36° 42.88’S and 174° 57.26’E); then in a straight line to Hakaimango Point (Waiheke Island) (at 36° 46.23’S and 175° 00.82’E); then by mean high-water mark along the northern and eastern side of Waiheke Island to Kauri Point (at 36° 46.0’S and 175° 12.15’E); then by a straight line to the easternmost point of Pakatoa Island (at 36° 47.95’S and 175° 11.9’E); then by a straight line to a point on the eastern side of Rotoroa Island (at 36° 48.9’S and 175° 12.13’E); then by a straight line to the easternmost point on Ponui Island (at 36° 50.15’S and 175° 12.8’E); then by mean high-water mark to the southernmost point of Ponui Island (at 36° 54.2’S and 175° 11.65’E); then by a straight line to Haraki Point (Pakihi Island) (at 36° 54.33’S and 175° 10.1’E); then by mean high-water mark along the eastern side of Pakihi Island to the southernmost point (at 36° 55.22’S and 175° 09.35’E); then by a straight line to Koherurahi Point (at 36° 55.75’S and 175° 08.55’E), then following a line along the mean high-water mark to the point of commencement at Cape Rodney:

“ ‘Lemon sole’ means a fish of the species *Pelotretis flavilatus*:

“ ‘New Zealand sole’ (also known as ‘common sole’ or ‘European sole’) means a fish of the species *Peltohamphus novaezelandiae*:

“ ‘Sand flounder’ (also known as ‘dab flounder’, ‘white flounder’, ‘diamond flounder’, or ‘square flounder’) means a fish of the species *Rhombosolea plebeia*:

“ ‘Turbot’ means a fish of the species *Colistium nudipinnis*:

“ ‘Yellowbelly flounder’ means a fish of the species *Rhombosolea leporina*.”

3. Seasonal closure of Inner Hauraki Gulf—The principal regulations are hereby amended by inserting, after regulation 4E, the following regulation:

“4F. (1) Subject to subclauses (2) and (3) of this regulation, no commercial fisherman shall—

“(a) At any time during the period beginning with the 1st day of October in any year and ending with the close of the 31st day of March in the following year, take by any method any finfish from the Inner Hauraki Gulf; or

“(b) Possess any finfish taken in contravention of subclause (1) of this regulation.

“(2) Subclause (1) of this regulation shall not prevent the taking or being in possession of—

“(a) Grey mullet or yellow-eyed mullet taken by a set net:

“(b) Flatfish taken by a set net with a total height not exceeding 1 metre and whose entire bottom length, when set, is in direct contact with the sea bed:

“(c) Longfinned eels or shortfinned eels taken by a fyke net:

“(d) Pilchards or anchovy taken by a purse seine or lampara net:

“(e) Garfish or piper taken by a purse seine or lampara net.

“(3) Subclause (1) of this regulation does not apply to prevent the taking, or the possession of finfish taken, during the period beginning with the 1st day of October 1995 and ending with the close of the 12th day of October 1995.”

4. Restriction on mesh size of trawl nets—(1) Regulation 5 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(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, at any time, use for the taking of fish within those waters of the Auckland Fishery Management Area specified in subclause (1A) of this regulation a trawl net with a mesh size of less than 125 mm in the cod end, unless authorised to do so by a current fishing permit.

“(1A) Subclause (1) of this regulation applies to those waters within the Auckland Fishery Management Area that are enclosed by a line commencing at Tirua Point on the west coast of the North Island (at 38° 23.0'S and 174° 38.5'E); then proceeding along a straight line to the 100-metre contour line (at 38° 17.0'S and 174° 03.0'E); then proceeding in a generally northerly direction along the 100-metre contour line (as shown on Chart NZ23) to a point (at 34° 03.0'S and 174° 38.5'E) due north of Cape Reinga; then proceeding in a generally southerly direction along the 100-metre contour line (as shown on Chart NZ23) to a point (at 37° 31.0'S and 177° 59.4'E); then proceeding due south to Cape Runaway on the east

coast of the North Island (at 37° 32'S and 177° 59.4'E); then proceeding in a generally north-westerly and south-easterly direction along the line of the mean high-water mark of the coast of the North Island to the point of commencement."

(2) Regulation 5 of the principal regulations is hereby further amended by revoking subclause (4).

(3) The following regulations are hereby consequentially revoked:

- (a) Regulation 5 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 7:
- (b) Regulation 4 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 8.

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 on the day after the date of their notification in the *Gazette*, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

The regulations provide for—

- (i) A seasonal closure of the Inner Hauraki Gulf from 1 October to 31 March in each year for all fishing other than the types specified in the new *regulation 4r (2)*;
- (ii) An extension of the existing partial and seasonal restriction on trawl net mesh size in the Auckland area to cover the whole year and all waters within the Auckland Fishery Management Area of less than 100 metres in depth (except to the extent that a current fishing permit otherwise authorises).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 October 1995.
These regulations are administered in the Ministry of Fisheries.