



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 12**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of October 1995

Present:

THE HON. WYATT CREECH PRESIDING 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. 12, 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).

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

*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

Amendment No. 11: S.R. 1995/214

2. Interpretation—(1) Regulation 2 (1) 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 revoking the definition of the term “set net” (as amended by regulation 2 (3) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 7), and substituting the following definition:

“‘Set net’ includes a gill net or any other sort of net which acts by enmeshing, entrapping, or entangling any fish; but does not include a fyke net or a hinaki trap.”

(2) Regulation 2 (3) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 7 is hereby consequentially revoked.

3. Trawling and Danish seining prohibited in defined areas—

(1) Regulation 4 of the principal regulations is hereby amended by revoking paragraph (zb) (as added by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 8), and substituting the following paragraph:

“(zb) *Tairua/Pauanui*: The waters inside an area defined by a line beginning at the mean high-water mark at the northernmost point of Storm Beach (at 37° 02.77' S and 175° 53.23' E); then in a straight line in a generally easterly direction to a position at the southernmost point of Home Bay (at 37° 03.11' S and 175° 56.05' E); then in a straight line in a generally northerly direction to Big King Rock (at 36° 59.92' S and 175° 55.34' E); then by a straight line in a generally north-westerly direction to the mean high-water mark at the northern end of Te Karo Bay (at 36° 57.70' S and 175° 50.75' E); then following the mean high-water mark in a southerly direction to the southernmost point of land near Te Huruuru Point (at 37° 00.40' S and 175° 52.10' E); then continuing to follow the mean high-water mark within the waters of the harbour itself until this reaches the northernmost point of land of the southern harbour headland (at 37° 00.45' S and 175° 51.70' E); then following the mean high-water mark in a generally southerly direction to the point of commencement.”

(2) Regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 8 is hereby consequentially revoked.

4. Set netting prohibited in defined areas—Regulation 15A of the principal regulations (as inserted by regulation 10 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 7) is hereby amended by revoking paragraph (i), and substituting the following paragraph:

“(i) *Cape Colville*: The waters at the northern end of Cape Colville lying inside a line commencing at the northernmost extremity of Kaiiti Point (at 36° 28.92' S and 175° 19.80' E); then in a straight line in a northerly direction to the southernmost extremity of Channel Island (at 36° 25.44' S and 175° 19.75' E); then in a straight line in a south-easterly direction to the northernmost extremity of Square Top Island (at 36° 27.76' S and 175° 24.00' E); then by the mean high-water mark to the easternmost extremity of Square Top Island (at 36° 27.79' S and 175°

24.14' E); then in a straight line in a south-easterly direction to the mean high-water mark to the south-west of, and immediately adjacent to, the Sugar Loaf Rocks (at 36° 28.36' S and 175° 24.69' E); then by the mean high-water mark in a generally north-westerly direction to a point to the south of Cape Colville, representing the eastern end of Port Jackson Bay (at 36° 28.40' S and 175° 20.45' E); then by a straight line across the bay in a generally south-westerly direction to the point of commencement.”.

(2) Regulation 15A of the principal regulations (as so inserted) is hereby further amended by adding the following paragraph:

“(m) *Tairua/Pauanui*: The waters inside an area defined by a line beginning at the mean high-water mark at the northernmost point of Storm Beach (at 37° 02.77' S and 175° 53.23' E); then in a straight line in a generally easterly direction to a position at the southernmost point of Home Bay (at 37° 03.11' S and 175° 56.05' E); then in a straight line in a generally northerly direction to Big King Rock (at 36° 59.92' S and 175° 55.34' E); then by a straight line in a generally north-westerly direction to the mean high-water mark at the northern end of Te Karo Bay (at 36° 57.70' S and 175° 50.75' E); then following the mean high-water mark in a southerly direction to the southernmost point of land near Te Huruuru Point (at 37° 00.40' S and 175° 52.10' E); then in a straight line across the Tairua harbour entrance in a south-westerly direction to the northernmost point of land of the southern harbour headland (at 37° 00.45' S and 175° 51.70' E); then following the mean high-water mark in a generally southerly direction to the point of commencement.”

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 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 by—

- (a) Excluding fyke nets and hinaki traps from the definition of the term “set net”; and
- (b) Prohibiting commercial set netting in the vicinity of Tairua and Pauanui; and
- (c) Removing the inner waters of Port Jackson Bay from the Cape Colville commercial set net closed area.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 November 1995.
These regulations are administered in the Ministry of Fisheries.