



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 3**

THOMAS EICHELBAUM
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 2nd day of October 1989

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

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

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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, Amendment No. 3, 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 1st day of November 1989.

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

“2. (1) In these regulations, unless the context otherwise requires,—

“‘Act’ means the Fisheries Act 1983:

“‘Anchovy’ means fish of the species *Engraulis australis*:

“‘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:

“‘Billfish’ means all species of the families *Istiophoridae* and *Xiphiidae*, including the following:

“(a) *Tetrapturus audax* (commonly known as the striped marlin):

“(b) *Makaira nigricans* (commonly known as the blue marlin):

“(c) *Makaira indica* (commonly known as the black marlin):

“(d) *Xiphias gladius* (commonly known as the broadbill swordfish):

“(e) *Tetrapturus augustirostris* (commonly known as the shortbill spearfish):

“(f) *Istiophorus platypterus* (commonly known as the sailfish):

“(g) Any other billfish by whatever name it may be locally known:

“‘Blue mackerel’ means fish of the species *Scomber Australasicus*:

“‘Blue maomao’ means fish of the species *Scorpiis violaceus*:

“‘Blue mussel’ means the shellfish *Mytilus edulis*:

“‘Butterfish’ or ‘Greenbone’ means fish of the species *Odax pullus*:

“‘Cats eyes’ means shellfish of the genus *Iunella*:

“‘Cockle’ means the mollusc *Chione (Austrovenus) Stutchburyi*:

“‘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:

*S.R. 1986/216

Amendment No. 1: S.R. 1986/251

Amendment No. 2: S.R. 1988/5

- “(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:
- “‘Conger eels’ means fish of the species family *Congridae*:
- “‘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:
- “‘Cooks Turban’ means the shellfish *Cookia sulcata*:
- “‘Coromandel Scallop Fishery’ means the scallop fisheries within Quota Management Area 1, enclosed by a line running due North from Town Point (at 37° 44.60’ S and 176° 28.10’ E) in the Bay of Plenty to latitude 36° 02.60’ S and thence due East to the northernmost point of Great Barrier Island and thence to Cape Rodney:
- “‘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:
- “‘Dog Cockle’ means the shellfish *Glycymeris laticostata*:
- “‘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:
- “‘Dredge’ means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring device:
- “‘Dredge Oyster’ means the shellfish *Tiostrea lutaria*:
- “‘Finfish’ includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes):
- “‘Grandfather hapuku’ means fish of the species *Scorpaena cardinalis*:

- “ ‘Green mussel’ means the shellfish *Perna canaliculus*:
- “ ‘Green mussel spat’ means individuals of the species *Perna Canaliculus* that are less than 40 mm in length and are attached to and growing on seaweed:
- “ ‘Hagfish’ means the fish *Eptatretus cirrhatus* (also commonly known as blind eel):
- “ ‘Harbour’ means those waters lying inside the seaward entrance to any harbour:
- “ ‘Horse Mussel’ means the shellfish *Atrina zelandica*:
- “ ‘Jack mackerel’ means fish of the species *Trachurus declivis*:
- “ ‘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:
- “ ‘Kina’ means the shellfish of which the scientific name is *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin of which the scientific name is *Centrostephanus rogersii*:
- “ ‘King clam’ means the shellfish *Panopea zealandica*:
- “ ‘Koheru’ means fish of the species *Decapterus koheru*:
- “ ‘Lampara net’ means any net that is operated from a vessel to encircle fish so that when the wings of the net are brought together fish are enclosed in the central bunt of the net; but does not include a net that has purse lines:
- “ ‘Lamprey’ means the fish *Geotria australis*:
- “ ‘Leatherjacket’ means fish of the species *Parika scaber*:
- “ ‘Limpet’ means shellfish of Genus *Cellana* or *Notoacmea*:
- “ ‘Longline’ means any line to which a hook or hooks (whether baited or not) are attached:
- “ ‘Mud snail’ means the shellfish *Amphibola crenata*:
- “ ‘Moray eels’ means fish of the species family *Muraenidae*:
- “ ‘Net’ includes any net capable of being used to take fish; but does not include a whitebait net:
- “ ‘Octopus’ means the shellfish *Octopus maorum*:
- “ ‘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:
- “ ‘Pacific Oyster’ means the shellfish *Crassostrea gigas*:
- “ ‘Paddle crab’ means the crab *Ovalipes Catharus*:
- “ ‘Parore’ means fish of the species *Girrella tricuspidata*:
- “ ‘Pink maomao’ means fish of the species *Caprodon longimanus*:
- “ ‘Pipi’ means the shellfish *Paphies australis*:
- “ ‘Porae’ means fish of the species *Nemadactylus douglasi*:
- “ ‘Purse seine net’ means any net that is operated from a vessel to encircle fish and is drawn together at the bottom by means of purse lines to enclose the fish:
- “ ‘Red moki’ means fish of the species *Cheilodactylus specabilis*:
- “ ‘Red Snapper’ means fish of the species *Centroberyx affinis*:
- “ ‘Rock lobster’ means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster) and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):

- “Rock lobster pot” means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “Rock Oyster” means the shellfish *Saccostrea glomerata*:
- “Sardine” means fish of the species *Sprattus antipodum*:
- “Saury” means fish of the species *Scomberesox saurus*:
- “Scallop” means the shellfish *Pecten novaezealandiae*:
- “Sea cucumber” means a Holothurian of the Genus *Stichopus*:
- “Sea Hare” means *Aplysia dactylomela*:
- “Sea horse” means the fish *Hippocampus abdominalis*:
- “Sea tulip” means the *Ascidian Pyura pachydermatina*:
- “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:
- “Silver Drummer” means fish of the species *Kyphosus sydneyanus*:
- “Skates and rays” means any fish of the Order *Rajiformes*:
- “Skipjack tuna” means the fish of which the scientific name is *Katsawonus pelamis*:
- “Sponge” means the animal of the *Phylum Porifera*:
- “Spotted black groper” means the fish of which the scientific name is *Epinephalus daemeli*:
- “Squid” means—
- “(a) The shellfish, commonly known as arrow squid, which has the scientific name *Nototodarus* sp; and
- “(b) The shellfish, commonly known as broad squid, which has the scientific name *Sepioteuthis bilineata*.”
- “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:
- “Surf clam” means shellfish of the species *Dosinia anus*, *Paphies donacina*, *Mactra discor*, *Mactra murchisoni*, *Spisula aequilateralis*, *Basina yatei*, or *Dosinia subrosa*:
- “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:
- “Tuna” means any fish of the family *Scombridae*:
- “Tuatua” means the shellfish *Paphies subtriangulata*:
- “Whelks” means shellfish of the species *Struthiolaria papulosa*, *Cominella maculosa*, *Cominella glandiformis*, *Haustrum haustorium*, *Buccinulum vittatum*, or *Buccinulum strebeli*:
- “Whitebait net” means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly known as whitebait:
- “Wrasse” means any fish of the family *Labridae*.

“(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986*.”

3. New regulations relating to shellfish inserted—The principal regulations are hereby amended by inserting, after regulation 4, the following regulations:

“**4A. Taking of tuatua prohibited in certain areas**—(1) Except as provided in subclauses (2) and (3) of this regulation, no commercial fisherman shall take any tuatua from the waters of quota management area 1 or quota management area 9.

“(2) It shall be lawful for a commercial fisherman to take tuatua by means of hand-gathering in any of the following areas:

“(a) *Ninety Mile Beach*: The waters lying between Reef Point (at 35° 11.20'S and 173° 03.40'E) and Cape Reinga (at 34° 25.40'S and 172° 40.70'E);

“(b) *Kaipara to Mangonui Bluff*: The waters lying between the north head of Kaipara Harbour (at 36° 23.80'S and 174° 03.00'E) and Mangonui Bluff (at 35° 45.90'S and 173° 33.40'E) excluding Omamari beach, Baylys Beach and Mahuta Gap Beach;

“(c) *Mangonui Bluff to Hokianga*: The waters lying between Mangonui Bluff at 35° 45.90'S and 173° 33.40'E and the south head of Hokianga Harbour (at 35° 32.20'S and 173° 22.30'E);

“(d) *Maketu Beach*: The waters lying between the eastern end of Papamoa Domain (at 37° 44.30'S and 176° 23.10'E) and the western entrance of Maketu Estuary (at 37° 45.40'S and 176° 27.25'E).

“(3) It shall be lawful for a commercial fisherman to take tuatua by dredging in the area within quota management area 9 being that area at the seaward entrance to the Kaipara Harbour bounded by a straight line between Poutu Point (at 36° 22.00'S and 174° 10.80'E) and South Head (at 36° 26.00'S and 174° 14.10'E) then in a straight line to the westernmost head of the Waionui Inlet (at 36° 26.20'S and 174° 12.50'E) then by mean high water mark to the westernmost extremity of the south head of the harbour (at 36° 28.80'S and 174° 09.40'E) then by straight line to the southernmost extremity of the north head of the harbour (at 36° 24.20'S and 174° 03.00'E) then by mean high water mark back to Poutu Point.

“**4B. Taking of green mussels prohibited in certain areas**—(1) Except as provided in subclauses (2) and (3) of this regulation, no commercial fisherman shall take green mussels from the waters of quota management area 1 or quota management area 9.

“(2) It shall be lawful for a commercial fisherman to take green mussels by means of hand-gathering in any of the following areas:

“(a) *Ninety Mile Beach*: The waters lying between Reef Point (at 35° 11.20'S and 173° 03.40'E) and Cape Reinga (at 34° 25.40'S and 172° 40.70'E);

“(b) *North Cape to Cape Karikari*: The waters lying between North Cape (at 34° 24.80'S and 173° 02.80'E) and Cape Karikari (at 34° 47.10'S and 173° 23.80'E);

“(c) *Waitakare Coast*: The waters lying between Tirikohua Point (at 36° 51.40’S and 174° 25.80’E) and Whatipu on the north head of Manukau Harbour (at 37° 03.20’S and 174° 29.90’E);

“(d) *Manakau Harbour to Raglan Harbour*: The waters lying between the south head of Manukau Harbour (at 37° 03.20’S and 174° 32.65’E) and Rangitoto Point on the north head of Raglan Harbour (at 37° 48.75’S and 174° 50.40’E).

“(3) It shall be lawful for a commercial fisherman to take green mussels by dredging in the waters of quota management area 9, except those waters inside a line from Te Kawau Point (at 36° 27.70’S and 174° 15.90’E) to Orongo Point on the Ohahukura Peninsula (at 36° 24.80’S and 174° 21.40’E) thence by straight line to Te Ngaio Point (at 36° 23.60’S and 174° 17.00’E) thence by straight line to the old lighthouse on the North head of the Kaipara Harbour (at 36° 23.60’S and 174° 07.60’E).

“4c. **Taking of cockle prohibited in certain areas**—No commercial fisherman shall take any cockle or be in possession of any cockle taken from any waters in quota management area 1 or quota management area 9, except the following waters:

“(a) *Home Point to Mangawhai Heads*: The waters enclosed by a straight line drawn from Home Point on the north head of Whangarei Harbour (at 35° 51.20’S and 174° 31.50’E) to the westernmost point of Calliope Island (at 35° 50.65’S and 174° 31.6’E) and thence to Marsden Point (at 35° 50.45’S and 174° 29.96’E) and then following a line 1.5 nautical miles from the mean high water mark in a generally southerly direction and then due west to the north head of Mangawhai Harbour (at 36° 05.10’S and 174° 35.90’E) and the area known as Snake Bank lying within Whangarei Harbour being the area enclosed by a straight line commencing at One Tree Point (at 35° 49.18’S and 174° 27.23’E) to an un-named point at 35° 47.82’S and 174° 27.57’E) then along a straight line to Darch Point (at 35° 49.33’S and 174° 29.55’E) then along the mean high water mark to Lort Point (35° 49.98’S and 174° 30.13’E) then along a straight line to the point of commencement at One Tree Point and excluding the waters of Waipu river lying inshore of a straight line drawn from the northernmost point of the southern bank of the river mouth (at 35° 59.65’S and 174° 28.90’E) to the easternmost point of the northern bank of the river mouth (at 35° 59.50’S and 174° 28.8’E);

“(b) *Ponui Island*: Those waters lying within one half nautical mile of the mean high water mark on Ponui Island;

“(c) *Waihi Estuary*: The waters of Waihi estuary lying inside a straight line drawn between the western entrance of the estuary (at 37° 45.50’S and 176° 28.70’E) and the eastern entrance of the estuary (at 37° 45.50’S and 176° 29.30’E);

“(d) *Ohiwa Harbour*: The waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37° 59.40’S and 177° 09.00’E) and the eastern entrance of the harbour (at 37° 59.40’S and 177° 09.50’E).

“4d. **Taking of pipi prohibited in certain areas**—No commercial fisherman shall take any pipi or be in possession of any pipi taken from

any waters in quota management area 1 or quota management area 9, except the following waters:

“(a) *North Cape to Cape Karikari*: The waters lying between North Cape (at 34° 24.80'S and 173° 02.80'E) and Cape Karikari (at 34° 47.10'S and 173° 23.80'E):

“(b) *Home Point to Mangawhai Heads*: The waters described in regulation 4c (a) of these regulations:

“(c) *Ponui Island*: Those waters lying within one half nautical mile of high water mark on Ponui Island:

“(d) *Waihi Estuary*: The waters of Waihi estuary lying inside a straight line drawn between the western entrance of the estuary (at 37° 45.50'S and 176° 28.70'E) and the eastern entrance of the estuary (at 37° 45.50'S and 176° 29.30'E):

“(e) *Ohiwa Harbour*: The waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37° 59.40'S and 177° 09.00'E) and the eastern entrance of the harbour (at 37° 59.40'S and 177° 09.50'E).

“4E. **Taking of kina prohibited in certain areas**—No commercial fisherman shall take any kina or be in possession of any kina taken from those waters in quota management area 1 between Pokahinu Point, Omaio (at 37° 49.30'S and 177° 36.00'E) and Cape Runaway (at 37° 32.20'S and 177° 59.00'E).”

4. New regulations relating to fishing methods inserted—The principal regulations are hereby amended by inserting, after regulation 5, the following regulations:

“5A. **Restrictions on use of nets and dredges**—No commercial fisherman shall use any trawl net, set net, Danish seine net, purse seine net, lampara net, drag net, or dredge to take any fish or aquatic life within the waters of quota management area 1 or quota management area 9, unless that method is specifically authorised in a fishing permit held by that commercial fisherman.

“5B. **Restrictions on taking of paddle crabs, octopus, and hagfish**—(1) No commercial fisherman shall take otherwise than by means of a pot (not being a rock lobster pot) any paddle crab, octopus, or hagfish from the waters of quota management area 1 or quota management area 9, unless that method is specifically authorised in a fishing permit held by that commercial fisherman.

“(2) Nothing in subclause (1) of this regulation shall apply to any commercial fisherman who is lawfully fishing for any rock lobster in the waters of quota management area 1 or quota management area 9.

“5C. **Certain species may be taken by use of nets**—Notwithstanding regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986, any commercial fisherman may take from the waters of quota management area 1 or quota management area 9—

“(a) Blue mackerel, Jack mackerel, or koheru by means of a lampara net or purse seine net that has a minimum net mesh size of 50 mm:

“(b) Anchovies, sardines, or saury by means of a net that has a minimum net mesh size of 25 mm:

“(c) Skipjack tuna by means of a lampara net or purse seine net that has a minimum net mesh size of 63 mm.

“5D. Taking of certain fish prohibited—(1) No commercial fisherman shall take from the waters of quota management area 1 or quota management area 9 any fish specified in the following table, or be in possession of any such fish taken from either of those waters:

“Prohibited Fish

“Red Moki	Skates and rays
“Butterfish	Moray eels
“Porae	Conger eels
“Parore	Sharks of the order
“Red Snapper	<i>Selachiforme</i> (excluding
“Blue Maomao	sharks of the families
“Silver Drummer	<i>Triakidae</i> (school shark
“Red Pigfish	and rig) and <i>Squalidae</i>
“Grandfather hapuku	(spiny dogfish)
“Wrasses	Leatherjacket
“Pink maomao	

“(2) Nothing in subclause (1) of this regulation prevents the taking of such fish if the fish was caught as an inevitable consequence of the taking of fish of a species or class specifically authorised in a current fishing permit held by that commercial fisherman.

“5E. Taking of green mussel spat prohibited in certain areas—(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall at any time take any green mussel spat from the waters of quota management area 1 or quota management area 9.

“(2) It shall be lawful for any person to take green mussel spat from the following waters:

“(a) *Ninety Mile Beach*: The waters lying between Reef Point (at 35° 11.20'S and 173° 03.40'E) and Cape Reinga (at 34° 25.40'S and 172° 40.70'E);

“(b) *Reef Point to Hokianga*: The waters lying between Reef Point (at 35° 11.20'S and 173° 03.40'E) and the north head of Hokianga Harbour (at 35° 31.60'S and 173° 21.30'E).”

5. Fishing in Kermadec Fisheries Management Area prohibited—

The principal regulations are hereby amended by inserting, after regulation 18, the following regulation:

“18A. (1) No commercial fisherman shall at any time take any fish, aquatic life, or seaweed from the waters of quota management area 10, or be in possession of any fish, aquatic life, or seaweed taken from those waters.

“(2) Nothing in subclause (1) of this regulation shall apply to any fish of a species or class subject to the quota management system, or tuna, that are lawfully taken by a commercial fisherman, or to any other fish taken as an inevitable consequence of the taking of such fish or tuna.”

6. Regulation renumbered and new regulation inserted—(1) The principal regulations are hereby amended by renumbering regulation 20A (as inserted by regulation 3 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 2) as regulation 20B.

(2) The principal regulations are hereby amended by inserting, after regulation 20B (as so renumbered), the following regulation:

“20c. **Taking of certain fish and aquatic life prohibited**—(1) No person shall take from the waters of quota management area 1 or quota management area 9, for the purpose of sale, any fish or aquatic life specified in the following table, or be in possession of any such fish or aquatic life so taken from any of those waters:

“Prohibited Fish and Aquatic Life

“Cats eyes	Cooks Turban
“Limpet	Mud Snail
“Dredge Oyster	Rock Oyster
“Pacific Oyster	Surf Clams
“Whelks	Sea Horses
“Sea Hare	Sea Tulip
“Lamprey	Sponges
“King clam	Horse Mussels
“Blue Mussels	Dog Cockle
“Sea Cucumber	

“(2) Notwithstanding subclause (1) of this regulation, but subject to the Fisheries Act 1983 and any other regulations made under that Act, the Director-General may, upon receipt of an application in writing, authorise any person to take for sale any fish, aquatic life, or seaweed to which subclause (1) of this regulation applies, and the Director-General may give such authorisation either conditionally or unconditionally.”

7. New regulations relating to shellfish substituted—The principal regulations are hereby amended by revoking regulation 22, and substituting the following regulations:

“22. **Taking of scallops**—(1) No commercial fisherman shall at any time take any scallops from the following waters, or be in possession of any scallops taken from those waters:

“(a) *Kaipara Harbour*: The waters of Kaipara Harbour lying inside a straight line drawn from the southern most 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):

“(b) *Hokianga Harbour*: The waters of Hokianga Harbour lying inside a straight line drawn from the north head of the harbour (at 35° 31.50'S and 173° 21.45'E) to the south head of the harbour (at 35° 32.20'S and 173° 22.30'E):

“(c) *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° 13.10'E) to the south head of the harbour (at 35° 22.75'S and 173° 13.25'E):

“(d) *Herekino Harbour*: The waters of Herekino Harbour lying inside a straight line drawn from the north head of the harbour (at 35° 17.70'S and 173° 09.90'E) to the south head of the harbour (at 35° 17.95'S and 173° 09.50'E):

“(e) *Parengarenga Harbour*: The waters of Parengarenga Harbour lying inside a straight line drawn from the northeasternmost extremity

- of the Kokota Peninsula (at 34° 32.00'S and 172° 59.40'E) in a northeasterly direction to the easternmost extremity of Ohao Point (otherwise known as Coal Point) (at 34° 30.65'S and 173° 00.40'E):
- “(f) *Houhora Harbour*: The waters of Houhora Harbour lying inside a straight line drawn from the east head of the harbour (at 34° 49.70'S and 173° 10.00'E) to the west head of the harbour (at 34° 49.60'S and 173° 09.10'E):
- “(g) *Rangaunu Harbour*: The waters of Rangaunu Harbour lying inside a straight line drawn from Blackney Point (at 34° 51.70'S and 173° 17.20'E) to Otiaia Point (at 34° 53.80'S and 173° 16.80'E):
- “(h) *Doubtless Bay*: The waters of Doubtless Bay lying within one half nautical mile of MHW mark from the easternmost extremity of Knuckle Point (at 34° 51.20'S and 173° 28.00'E) to the northernmost extremity of Berghan Point (at 34° 54.85'S and 173° 33.40'E) and including all of Mangonui Harbour:
- “(i) *Whangaroa Harbour*: The waters of the Whangaroa Harbour lying on the landward side of a straight line drawn from the White Beacon on the south head of the harbour (at 35° 00.40'S and 173° 45.70'E) to the northeastern extremity of the north head of the harbour (at 35° 00.20'S and 173° 45.70'E):
- “(j) *Bay of Islands*: The waters of the Bay of Islands lying inside a line commencing at the easternmost point of Cape Wiwiki (at 35° 09.40'S and 174° 07.70'E); then in a straight line to the northern extremity of Red Head (at 35° 11.90'S and 174° 12.45'E); then in a straight line in a north-easterly direction to the northern extremity of Cape Brett (at 35° 10.45'S and 174° 20.05'E):
- “(k) *Whangaruru Harbour*: The waters of Whangaruru Harbour lying inside a line commencing at the westernmost extremity of Cape Home (at 35° 22.60'S and 174° 22.50'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° 23.10'S and 174° 22.35'E); then through the easternmost extremity of Nops Island (at 35° 24.40'S and 174° 21.80'E); then in a straight line to the shore on the southern side of the harbour (at 35° 24.40'S and 174° 21.30'E):
- “(l) *Whananaki Estuary*: The waters of the Whananaki Estuary lying inside a straight line drawn from the southernmost extremity of Motutara Point (at 35° 31.20'S and 174° 28.50'E) in a westerly direction to the easternmost extremity of the southern head of the estuary entrance (at 35° 30.90'S and 174° 28.10'E):
- “(m) *Tutukaka Harbour*: The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head (at 35° 36.90'S and 174° 32.40'E) in a southwesterly direction through the Rocky Islets to the headland on the southern side of the entrance (at 35° 37.20'S and 174° 32.40'E) to the harbour:
- “(n) *Ngunguru Estuary*: The waters of Ngunguru Estuary lying inside a straight line drawn from the northern entrance of the estuary (at 35° 38.30'S and 174° 31.40'E) to the southern entrance of the estuary (at 35° 37.90'S and 174° 30.80'E):

- “(o) *Pataua Estuary*: The waters of Pataua Estuary lying inside a straight line drawn from the northern entrance of the estuary (at 35° 42.90’S and 174° 31.50’E) to the southern entrance of the estuary (at 35° 43.00’S and 174° 31.30’E);
- “(p) *Whangarei Harbour*: The waters of Whangarei Harbour lying inside a straight line drawn from the southwesternmost extremity of Peach Cove (at 35° 51.80’S and 174° 33.40’E) to the southernmost extremity of Busby Head (at 35° 51.80’S and 174° 34.80’E) to the northern chimney of the Marsden Power Station (at 36° 52.50’S and 174° 28.10’E);
- “(q) *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° 09.80’S and 175° 16.90’E) to the northwesternmost point of Okokewa Island (at 36° 08.60’S and 175° 18.40’E); then by a straight line to the nearest point of the mainland of Great Barrier Island (at 36° 08.50’S and 175° 18.55’E); and lying inside a line drawn from the northeasternmost point of Motukaku Island (at 36° 09.90’S and 175° 17.60’E) to the northwesternmost point of Nelson Island (at 36° 10.00’S and 175° 17.80’E); then from the southeasternmost point of Nelson Island (at 36° 10.10’S and 175° 18.10’E) to the northwesternmost point of Kaikoura Island (at 36° 10.15’S and 175° 18.20’E); and lying inside a straight line drawn across Man’o’War Passage at its narrowest point (from 36° 11.35’S and 175° 19.50’E to 36° 11.40’S and 175° 19.50’E);
- “(r) *Tryphena Harbour and Schooner Bay*: The waters of Tryphena Harbour and Schooner Bay lying inside a straight line from Shag Point (at 36° 18.70’S and 175° 26.60’E) to Tryphena Point (at 36° 19.25’S and 175° 28.75’E);
- “(s) *Whangaparapara Harbour*: The waters of Whangaparapara Harbour lying inside a straight line from Lighthouse Point (at 36° 15.25’S and 175° 23.60’E) to Beacon Point (at 36° 15.75’S and 175° 23.90’E);
- “(t) *Port Charles*: The waters of Port Charles lying inside a straight line from Long Point (at 36° 30.3’S and 175° 26.60’E) to the easternmost point of Port Charles (at 36° 30.5’S and 175° 28.50’E);
- “(u) *Kennedy Bay*: The waters of Kennedy Bay lying inside a straight line commencing at 36° 40.00’S and 175° 35.05’E (which is half a nautical mile north of the southernmost extremity of the northern entrance of Kennedy Bay) drawn in a southeasterly direction to the northernmost extremity of Anarake Point (at 36° 41.10’S and 175° 36.30’E);
- “(v) *Whangapoua Harbour*: The waters of Whangapoua Harbour lying inshore of a line drawn from Te Rehutaē (at 36° 43.45’S and 175° 37.60’E) to Omaro Spit (at 36° 43.60’S and 175° 37.70’E);
- “(w) *Mercury Bay*: The waters of Mercury Bay lying inside a line commencing at the northernmost extremity of Motukoranga Island (at 36° 44.70’S and 175° 49.20’E); thence to the nearest point of mainland (at 36° 44.65’S and 175° 49.10’E); thence from the southernmost extremity of Motukoranga Island (at 36° 44.90’S and 175° 49.25’E); thence to the northeasternmost

extremity of Te Tui Island (otherwise known as Mahurangi Island) (at 36° 49.65'S and 175° 49.30'E); thence to the easternmost extremity of Hereheretaura Point (at 36° 50.60'S and 175° 49.10'E):

“(x) *Whangamata Harbour*: The waters of Whangamata Harbour 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° 12.30'S and 175° 53.00'E);

“(y) *Inner Hauraki Gulf*: The waters of the Hauraki Gulf lying inside a straight line drawn from the easternmost tip of Tawharanui Peninsula (at 36° 22.20'S and 174° 52.10'E) to the easternmost point of Tiritiri Matangi Island (at 36° 36.60'S and 174° 54.00'E); thence to the northernmost point of Rakino Island (at 36° 42.70'S and 174° 56.70'E); thence by a straight line from the southwestern point of Rakino Island (at 36° 43.80'S and 174° 56.70'E) to Thumb Point on Waiheke Island (at 36° 44.45'S and 175° 10.40'E); thence by straight line from the headland on Waiheke Island at 36° 46.80'S and 175° 11.55'E to the northernmost point of Pakatoa Island (at 36° 47.60'S and 175° 11.45'E); thence by straight line from the southernmost point of Pakatoa Island (at 36° 48.20'S and 175° 11.70'E) to the northernmost point on Rotoroa Island (at 36° 48.55'S and 175° 11.80'E); thence by straight line from the southernmost point of Rotoroa Island (at 36° 49.60'S and 175° 11.90'E) to the northeastern most point of Ponui Island (at 36° 50.20'S and 175° 12.80'E); thence by straight line from the northern end of Second Bay on Ponui Island (at 36° 53.90'S and 175° 12.00'E) to the northernmost end of Wilsons Bay on Coromandel Peninsula (at 36° 53.30'S and 175° 25.30'E); thence by straight line from Deadmans Point (at 36° 51.20'S and 175° 24.60'E) to the southwesternmost point of Motuoruhi Island (at 36° 44.60'S and 175° 23.80'E); thence to the northernmost point of Motukahaua Island (at 36° 39.30'S and 175° 22.55'E); thence to Turipeka Point on the Coromandel Peninsula (at 36° 36.50'S and 175° 25.65'E);

“(z) *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).

“(2) Subject to subclause (3) of this regulation, no commercial fisherman shall take any scallops from the fishery known as the Coromandel Scallop Fishery except during those daylight hours of any day commencing 1 hour before sunrise and ending 1 hour after sunset.

“(3) No commercial fisherman shall take any scallops from the Coromandel Scallop Fishery during the period commencing 1 hour after sunset on any Thursday and ending 1 hour before sunrise on the following Sunday.

“(4) No commercial fisherman shall take any scallops from the Coromandel Scallop Fishery except during the open season for that fishery; and, for the purposes of this subclause, the open season for that fishery shall in each year commence 1 hour before sunrise on the first

Sunday after the 14th day of July and end 1 hour after sunset on the last Tuesday before the 25th day of December.

“(5) No commercial fisherman shall take any scallops from any waters of quota management area 1 or quota management area 9 that are not waters within the Coromandel Scallop Fishery other than between the hours of 6 a.m. and 6 p.m. on any day.

“22A. **Restrictions on the taking of shellfish**—(1) The maximum weight (greenweight) of the shellfish specified in the following table that may be taken or possessed by a commercial fisherman on any day within the waters of quota management area 1 or quota management area 9, and the method by which it may be taken, shall be as specified in that table:

“Species of Shellfish	Method of Taking	Maximum Daily Weight (kgs)
“Scallops	Dredging	600
“Tuatua	Dredge	600
	Hand-gathering	200
“Cockle	Hand-gathering	200
“Pipi	Hand-gathering	200
“Mussels	Dredge	600
	Hand-gathering	200
“Kina	Hand-gathering	300.

“(2) Notwithstanding subclause (1) of this regulation, it shall be lawful for a commercial fisherman to be in possession of not more than 1200 kg of scallops (greenweight) on any day in the waters of quota management area 1 or quota management area 9, except the waters of the Coromandel Scallop Fishery.”

8. Offences—Regulation 24 (1) of the principal regulations is hereby amended by inserting, after the expression “20A” (as inserted by regulation 5 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 1), the expression “20B, 20C.”

9. Revocations—The following regulations are hereby consequentially revoked:

- (a) Regulation 2 of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 1:
- (b) Regulations 2 and 3 (2) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 2.

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 1 November 1989, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

The principal amendments are as follows:

- (a) Regulation 3 inserts into the principal regulations new regulations prohibiting the taking of tuatua, green mussels, cockles, pipi, and kina in specified areas:
- (b) Regulation 4 inserts into the principal regulations new regulations restricting the use of nets, the taking of paddlecrabs, octopus, and hagfish, and prohibiting the taking of specified fish in specified areas:
- (c) Regulation 5 imposes a prohibition on fishing within the Kermadec Fisheries Management Area:
- (d) Regulation 7 imposes restrictions on the taking of scallops and other shellfish.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 October 1989.

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