



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 9**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of February 1995

Present:

THE RIGHT HON. D. C. MCKINNON 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. 9, 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 April 1995.

*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: S.R. 1991/60
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

2. Certain species may be taken by use of nets—Regulation 5c of the principal regulations (as substituted by regulation 5 (1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 8) is hereby amended—

- (a) By omitting from paragraph (a) the words “Blue mackerel, jack mackerel, or koheru”, and substituting the word “Koheru”;
- (b) By revoking paragraph (c).

3. Drag netting prohibited in defined areas—(1) Regulation 11 (g) (iii) of the principal regulations is hereby amended by revoking sub-paragraph (A).

(2) Regulation 11 of the principal regulations is hereby amended by adding the following paragraph:

“(h) *Mangawhai Harbour*: Those waters of Mangawhai Harbour lying inside a line commencing at 36° 05.00' S and 174° 35.90' E; then in a southerly direction along the mean high water mark to the point at 36° 06.50' S and 174° 36.60' E. The line shall cross any entrance or breach leading into the harbour wherever it may occur by the most direct route at the seaward entrance between the point at 36° 05.00' S and 174° 35.90' E, and the point at 36° 06.50' S and 174° 36.00' E.”

4. Taking of shortbill spearfish and sailfish prohibited in Auckland Fishery Management Area—(1) The principal regulations are hereby amended by revoking regulation 20B (as inserted by regulation 3 (1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 2 and as renumbered by regulation 6 (1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 3), and substituting the following regulation:

“20B. (1) No commercial fisherman shall take any shortbill spearfish or sailfish by any fishing method from the Auckland Fishery Management Area or be in possession of any such fish taken from within that area.

“(2) It is a defence to a charge under subclause (1) of this regulation if the fisherman proves that, immediately upon taking or coming into possession of the shortbill spearfish or sailfish,—

- “(a) Where the fisherman had been supplied with tags by the Director-General or an officer of the Ministry, the fisherman tagged the fish (if alive) and returned it to the sea; or
- “(b) In any other case, the fisherman returned the fish (whether alive or dead) to the sea.”

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 3 (1) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 2;
- (b) The Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 4.

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 April 1995, amend the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

Regulation 2 removes from regulation 5c of the principal regulations provisions that are now dealt with in regulation 21 of the Fisheries (Commercial Fisheries) Regulations 1986.

Regulation 3 prohibits commercial drag netting in Mangawhai Harbour.

Regulation 4 replaces regulation 20B of the principal regulations and prohibits the taking of shortbill spearfish and sailfish from the Auckland Fishery Management Area.

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

Date of notification in *Gazette*: 2 March 1995.

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