



THE MARINE MAMMALS PROTECTION (BANKS PENINSULA SANCTUARY) NOTICE 1988

PURSUANT to section 22 of the Marine Mammals Protection Act 1978, the Minister of Conservation hereby gives the following notice; and the Minister of Energy, the Minister of Fisheries, and the Minister of Transport hereby notify their respective consents to the declaration contained in clause 3 (2) of the notice.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Marine Mammals Protection (Banks Peninsula Sanctuary) Notice 1988.

(2) This notice shall come into force on the day after the date of its notification in the *Gazette*.

2. Interpretation—In this notice, unless the context otherwise requires, “set net” includes—

(a) A gill net, a drift net, and a trammel net; and

(b) Any other net that acts or is intended to act by entangling or enmeshing fish.

3. Definition and declaration of marine mammal sanctuary—(1) There is hereby defined the place described in the Schedule to this notice (hereafter in this notice referred to as the sanctuary).

(2) The sanctuary is hereby declared to be a marine mammal sanctuary.

4. Prohibited activities—The activity of setting or otherwise using a set net may not be engaged in within the sanctuary during any period commencing on the 1st day of November and ending with the last day of the following February.

5. Permitted activities—Subject to clause 6 of this notice, the activity of setting or otherwise using a set net may be engaged in within the sanctuary during any period commencing on the 1st day of March and ending with the 31st day of the following October.

6. Restrictions on use of set nets—The following restrictions are hereby imposed in respect of the sanctuary:

- (a) No person shall set or otherwise use a set net, or allow a set net that has been set to remain in place, within the sanctuary at any time during the period commencing 1 hour before sunset and ending 1 hour after sunrise the following day:
- (b) No person shall set or otherwise use within the sanctuary a set net more than 30 metres long:
- (c) A person who within the sanctuary sets or otherwise uses 1 set net from a boat shall not set or otherwise use another from the boat for so long as the first net has not been brought back on board or lost:
- (d) A person who within the sanctuary sets a set net from a boat shall take all reasonable steps to ensure that the boat is forthwith tied to the net, and remains tied to it while it remains in place.

Clause 3 (1)

SCHEDULE

All that area of tidal waters within the Territorial Sea contained within a line starting from a point at M.L.W.S. on Sumner Head thence on a bearing of 045°(T) for a distance of 4 nautical miles thence along a line at a distance of 4 nautical miles from the baseline of the Territorial Sea to a position 155°(T), 4 nautical miles from the southern bank of the Rakaia River thence directly to a point at M.L.W.S. on the southern bank of the Rakaia River.

Dated at Wellington this 19th day of December 1988.

HELEN CLARK, Minister of Conservation.

DAVID BUTCHER, Minister of Energy.

COLIN MOYLE, Minister of Fisheries.

W. P. JEFFRIES, Minister of Transport.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice creates a marine mammal sanctuary round Banks Peninsula, for the purpose of protecting Hector's dolphins. Between 1 November and the end of February, no set nets may be used within the sanctuary. For the rest of the year, set nets may be used; but they must be set between an hour after sunrise and an hour before sunset, they must be no more than 30 metres long, only one net be set from a boat, and the boat must remain tied to the net while it is set.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1988.

This notice is administered in the Department of Conservation.