

Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2001

Pursuant to section 89 of the Fisheries Act 1983 and sections 123(6), 297, and 298 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

(1) These regulations are the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 2001.

(2) In these regulations, the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations 1986 (SR 1986/216) are called “the principal regulations”.

2 Commencement

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

3 Regulation 2B inserted

The principal regulations are amended by inserting, after regulation 2A, the following regulation:

“2B Trawling prohibited in certain seamount areas

- “(1) No person may use a trawl net for fishing in any closed seamount area.
- “(2) In this regulation, **closed seamount area** means all waters within the following areas:
 - “(a) the area located in fisheries management area 1 that is bounded by—
 - “(i) the latitudes 31° 50’S and 32° 08’S; and
 - “(ii) the longitudes 174° 05’E and 174° 25’E;
 - “(b) the area located in fisheries management area 1 that is bounded by—
 - “(i) the latitudes 33° 55’S and 34° 20’S; and
 - “(ii) the longitudes 173° 50’E and 174° 15’E;
 - “(c) the area located in fisheries management area 9 that is bounded by—
 - “(i) the latitudes 31° 35’S and 32° 00’S; and
 - “(ii) the longitudes 170° 45’E and 171° 10’E;
 - “(d) the area located in fisheries management area 9 that is bounded by—
 - “(i) the latitudes 37° 20’S and 37° 45’S; and
 - “(ii) the longitudes 171° 50’E and 172° 35’E;
 - “(e) the area located in fisheries management area 9 that is bounded by—
 - “(i) the latitudes 36° 40’S and 37° 00’S; and
 - “(ii) the longitudes 170° 35’E and 170° 50’E;
 - “(f) the area located in fisheries management area 9 that is bounded by—
 - “(i) the latitudes 34° 44’S and 34° 54’S; and
 - “(ii) the longitudes 169° 12’E and 169° 30’E.”

4 Trawling and Danish seining prohibited in defined areas

Regulation 4 of the principal regulations is amended by revoking paragraphs (q) and (r), and substituting the following paragraph:

- “(q) *Homunga Bay to Cape Runaway*: the waters lying within the area defined by a line beginning at the mean high-water mark

at the northernmost extremity of Homunga Bay (at 37° 21.52'S and 175° 56.5'E); then proceeding along a straight line in an easterly direction to a position 2 nautical miles from the point of commencement; then following a line every point of which is 2 nautical miles from the mean high-water mark of the shoreline extending generally south-eastward to a point 2 nautical miles to the north of Cape Runaway; then proceeding in a straight line southwards to the mean high-water mark at Cape Runaway (at 37° 32.3'S and 177° 59'E); and then proceeding along the mean high water mark to the point of commencement at Homunga Bay.”.

5 Offences

[Revoked]

Regulation 5 was revoked, as from 1 October 2001, by regulation 10(g) Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 3) 2001 (SR 2001/264).

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 to—

- (a) extend the existing prohibition on trawling and Danish seining in the Bay of Plenty to include areas within 2 nautical miles of the shore that fall between Haurere Point and Cape Runaway; and
- (b) prohibit trawling in certain seamount areas.

The purpose of the latter prohibition is to protect certain seamounts and their surrounding areas. A seamount is a protruding irregularity or bottom feature that rises above the sea floor, and may be either stand-alone or form part of a chain or range of hills.

The particular seamounts round which trawling is prohibited by the new regulation 2B are those known by some fishers as Cavalli, Aotea,

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and Telecom, and those identified by the National Institute of Water and Atmospheric Research as seamounts numbers 140, 148, and 447.

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