



THE FISHERIES (MIMIWHANGATA PENINSULA) NOTICE 1983

PURSUANT to section 89 of the Fisheries Act 1983 and the Fisheries (Amateur Fishing) Regulations 1983, the Director-General of Agriculture and Fisheries hereby gives the following notice.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Fisheries (Mimiwhangata Peninsula) Notice 1983.

(2) This notice shall come into force on the 1st day of January 1984.

2. Interpretation—(1) In this notice, unless the context otherwise requires,—

“Barracouta” means the fish of which the scientific name is *Thyrsites atun*:

“Billfish” means those fish of which the scientific names are *Tetrapturus audax*, *Tetrapturus angustirostris*, *Makaira indica*, *Istiophorus platypterus*, *Xiphias gladius*, or *Makaira nigricans*:

“Blue maomao” means the fish of which the scientific name is *Scorpius violaceus*:

“Fishing method” means the way in which any fishing gear is operated to take fish or any other practice which is likely to result in taking fish:

“Flounder” includes—

(a) Sand flounder (“dab”, “white”, or “square” flounder) (*Rhombosolea plebeia*):

(b) Lemon sole (*Pelotretis flavilatus*):

(c) New Zealand sole (*Peltorhamphus novaezeelandiae*):

(d) Flounder (“yellow belly”) (*Rhombosolea leporina*):

(e) Black flounder (*Rhombosolea retiaria*):

(f) Greenback flounder (*Rhombosolea tapirina*):

(g) Brill (*Colistium guntheri*):

(h) Turbot (*Colistium nudipinnis*):

“Garfish” means the fish of which the scientific name is *Hyporhamphus ihi*:

“Green mussel” means the shellfish of which the scientific name is *Perna canaliculus*:

“Grey mullet” means the fish of which the scientific name is *Mugil cephalus*:

“Gurnard” means the fish of which the scientific name is *Chelidonichthys kumu*:

- “Handgathering” means the use of the hands to physically take fish; and includes shore picking, diving, and hand digging for shellfish:
- “Kahawai” means the fish of which the scientific name is *Arripis trutta*:
- “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*:
- “Kingfish” means the fish of which the scientific name is *Seriola lalandi*:
- “Line” or “lines” means any line to which hooks are attached (whether the line is held in the hand or otherwise) which is set, moored, or placed, and is capable of taking fish:
- “Mackerel” means those fish of which the scientific names are *Trachurus declivis*, *Trachurus novaezelandiae*, and *Scomber australasicus*:
- “Potting” means the use of any pot, whether baited or not, which is capable of catching rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “Rock lobster” means those 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):
- “Scallop” means the mollusc *Pecten novaezelandiae*:
- “Shark” means those fish in the Class Chondrichthyes, commonly known as sharks and dogfish:
- “Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:
- “Spear” means any device or implement capable of puncturing the flesh or exoskeleton of any fish; but does not include any gaff or similar device used solely for landing fish:
- “Tarakihi” means the fish of which the scientific name is *Nemadactylus macropterus*:
- “Trevally” means the fish of which the scientific name is *Caranx georgianus*:
- “Trolling” means the process whereby a line is towed through, or on top of, the water:
- “Tuatua” means the mollusc *Paphies subtriangulata*, and the mollusc *Paphies donacina* (commonly known as southern tuatua):
- “Tuna” means the family of fish of which the scientific name is Scombridae:
- “Yellow-eyed mullet” means the fish of which the scientific name is *Aldrichetta forsteri*.

(2) Words and expressions in this notice which are defined in the Fisheries Act 1983 and the Fisheries (Amateur Fishing) Regulations 1983 shall, unless the context otherwise requires, have the meanings so defined.

3. Restrictions on taking fish in the vicinity of Mimiwhangata Peninsula—(1) No person may use any fishing method, except those specified in subclause (2) of this clause, to take those species of fish specified in subclause (3) of this clause, from the prescribed area.

(2) The following fishing methods may be used:

- (a) Lines, if the line does not have more than 1 hook attached to it and the line is not weighted in any way:
- (b) Trolling:
- (c) Spears:
- (d) Handgathering:

(e) Potting, if only 1 pot per person, party, or vessel is used in the prescribed area.

(3) The species of fish which may be taken in the prescribed area pursuant to subclause (1) of this notice are barracouta, billfish, blue maomao, flounder, garfish, green mussel, gurnard, kahawai, kina, kingfish, mackerel, rock lobster, scallops, shark, snapper, tarakihi, trevally, tuatua, tuna, and yellow-eyed mullet.

(4) For the purposes of this notice, "prescribed area" means all that area of water adjacent to Paparahi Point and Rimariki Island on the east coast of the County of Whangarei, bounded by a line commencing at mean high water mark at the western extremity of Lot 1 D.P. 89739 North Auckland Land District being approximately latitude 35° 26' 05" and longitude 174° 23' 05" and proceeding due North for a distance of 1000 m, thence proceeding initially in generally an easterly direction to a point 1000 m due North of Ngataurau Rock, thence to a point 1000 m due North of the northern extremity of Rimariki Island, thence in a south-easterly direction to a point 1000 m due East of Motuwharariki Island; thence in a generally south-westerly direction to a point 1000 m due East of the eastern extremity of Otawhanga Island, thence to a point on a bearing of 59° 02' 40" and distance of 1000 m from the south-eastern boundary of Te Ruatahi 2A Block, thence in a generally south-westerly direction to a point at mean high water mark at the south-eastern boundary of the aforementioned Te Ruatahi 2A Block being approximately latitude 35° 27' 45" longitude 174° 25' 5", thence along the line of mean high water mark initially in a northerly direction and proceeding along that mark to the point of commencement.

Dated at Wellington this 21st day of December 1983.

M. J. BELGRAVE,
Assistant Director-General of Agriculture and Fisheries.

EXPLANATORY NOTE

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

This notice restricts amateur fishing in the waters surrounding the Mimiwhangata Peninsula. A corresponding notice restricting commercial fishing in the same area is also being published.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

This notice is administered in the Ministry of Agriculture and Fisheries.