

IN CONFIDENCE

Kaikōura (Te Tai-o-Marokura) Marine Management Bill

Government Bill

Explanatory note

General policy statement

The Bill establishes the following management measures for the coast and sea around Kaikōura (**Te Tai-o-Marokura**):

- a marine reserve:
- a whale sanctuary:
- a New Zealand fur seal sanctuary:
- 5 customary fisheries areas (2 taiāpure-local fisheries and 3 mātaītai reserves):
- an advisory committee:
- fishing regulations that are specific to the area.

Background

The Bill seeks to address the current lack of formal protection and recognition of marine species, the submarine canyon, and other natural marine habitats in Te Tai-o-Marokura.

The genesis of the Bill is the Kaikōura Marine Strategy 2012 (the **strategy**), developed by Te Korowai o Te Tai-o-Marokura/the Kaikōura Coastal Marine Guardians (**Te Korowai**). The phrase te korowai refers to the cloak of a chiefly person laid over something to ensure its care and protection.

The strategy was the result of 7 years of effort by Te Korowai (encompassing iwi and representatives from the local marine industries, tourism operators, and environmental groups) who set out a vision for the area and reached a consensus on how the coastal and marine environment should be managed.

Te Korowai describes the process of negotiating the suite of management measures in the strategy as a “gifts and gains” process (where parties offer a concession in one area to achieve a gain elsewhere)—“The gifts were to the sea, to the future and to our community. The gains are everybody’s.”

The Government has agreed to implement a number of the management measures proposed by Te Korowai, except that instead of the marine mammal sanctuary proposed by Te Korowai there will be two 2 species-specific sanctuaries to protect whales and New Zealand fur seals.

The Bill implements the various management measures together as 1 integrated package. The measures that are not contained in the Bill will be implemented through 2 *Gazette* notices, which will come into force shortly after the Bill is enacted.

Two *Gazette* notices will impose restrictions in respect of the whale sanctuary and the New Zealand fur seal sanctuary. Once the restrictions are in force,—

- any seismic surveying that is carried out in the whale sanctuary will have to comply with the *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations* and certain types of seismic surveying will be prohibited in the whale sanctuary unless the Director-General of Conservation grants an exemption (for example, in an emergency or for important research that cannot be carried out elsewhere);
- access to the New Zealand fur seal sanctuary will be prohibited except in certain specified circumstances (for example, in an emergency or if access is necessary under conservation and fisheries legislation).

The *Gazette* notices can be viewed, in draft, on the Department of Conservation’s Internet site (*see* <http://www.doc.govt.nz/getting-involved/consultations>).

Te Korowai

Te Korowai has made a valuable and sustained contribution towards achieving integrated management of Te Tai-o-Marokura.

Te Korowai's vision is that, by perpetuating the mauri and wairua of Te Tai-o-Marokura, the Kaikōura community, as kaitiaki of Tangaroa's tāonga, is sustaining a flourishing, rich, and healthy environment where opportunities abound to sustain the needs of present and future generations. Te Korowai's core objectives for seeking integrated management of this area are that—

- traditional fishing areas of special significance to Ngāti Kurī are restored and maintained and traditional knowledge and customs are utilised to protect the fisheries of Te Tai-o-Marokura:
- the marine treasures of Te Tai-o-Marokura are protected so that future generations can experience the area as it is today:
- there are abundant fish, aquatic life, and seaweed in Te Tai-o-Marokura for present and future generations:
- the quality of the coastal and marine environment of Te Tai-o-Marokura is sustained.

Name of Hikurangi Marine Reserve

Prior to the introduction of the Bill, the New Zealand Geographic Board reviewed the name of the Hikurangi Marine Reserve (named by *clause 6*) as if the name had been proposed under subpart 3 of Part 2 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. Following the review, the New Zealand Geographic Board has indicated that it concurs with the name of the reserve.

Administration of Bill

It is intended that the Department of Conservation will administer subpart 2 of Part 2 of the Bill, the Ministry for Primary Industries will administer subpart 3 of Part 2 of the Bill, and both agencies will jointly administer the remainder of the Bill.

Departmental disclosure statement

The Department of Conservation and the Ministry for Primary Industries are required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at [PPU to insert URL and link] (if it has been provided for publication).

Regulatory impact statement

The Department of Conservation and the Ministry for Primary Industries produced a regulatory impact statement in December 2013 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.doc.govt.nz/about-doc/role/legislation/guides-and-bylaws/regulatory-impact-statements/>
- <http://www.mpi.govt.nz/news-resources/publications?PublicationType=Regulatory%20Impact%20Statement>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 states that the purpose of the Bill is, among other things, to recognise the local, national, and international importance of Te Tai-o-Marokura.

Clause 4 defines terms used in the Bill.

Clause 5 provides that the Bill binds the Crown.

Part 2

Te Tai-o-Marokura management measures

Subpart 1—Hikurangi Marine Reserve

Clause 6 declares and names Hikurangi Marine Reserve.

Clause 7 provides that Hikurangi Marine Reserve is to be treated as if it were declared by an Order in Council made under the Marine Reserves Act 1971.

Clause 8 provides for a review of Hikurangi Marine Reserve 25 years after the Bill's commencement.

Subpart 2—Te Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary and Ōhau Point New Zealand Fur Seal Sanctuary

Clause 9 declares and names Te Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary.

Clause 10 declares and names Ōhau Point New Zealand Fur Seal Sanctuary.

Clause 11 provides that *clauses 12 to 16* apply to both sanctuaries.

Clause 12 empowers the Minister of Conservation to impose restrictions in respect of a sanctuary and to vary or abolish a sanctuary. Before doing so, the Minister of Conservation must notify any proposal to impose restrictions or to vary or abolish a sanctuary, consider any submissions on the proposal, and, if the proposal affects any matter within the responsibilities of another Minister or the Commissioner of Crown Lands, obtain the consent of that Minister or the Commissioner of Crown Lands.

Clause 13 provides that, within 1 month after the commencement of the Bill, the Minister of Conservation must publish *Gazette* notices imposing restrictions on seismic surveying within Te Rohe-o-Te-Whānau-Puha—Kaikōura Whale Sanctuary and on access to Ōhau Point New Zealand Fur Seal Sanctuary. The requirements in *clause 12(3) to (5)* (to notify a proposed restriction, consider any submissions, and obtain the consent of other affected Ministers) do not apply to these *Gazette* notices. Further details on the proposed restrictions are set out in the general policy statement above.

Clause 14 provides that the Director-General may recover the costs of assessing any application for an exemption from restrictions imposed in respect of a sanctuary.

Clause 15 provides that it is an offence—

- to fail to comply with a restriction imposed in respect of a sanctuary by the Minister of Conservation under *clause 12*; or
- to make any false or misleading statement in an application for an exemption from a restriction made in accordance with *clause 12(2)*.

Clause 16 applies various provisions of the Marine Mammals Protection Act 1978 to the sanctuaries as if they were marine mammal sanctuaries under that Act.

Subpart 3—Mātaitai reserves and taiāpure-local fisheries

Clauses 17, 18, and 19 declare and name Mangamaunu Mātaitai Reserve, Oaro Mātaitai Reserve, and Te Waha-o-te-Marangai Mātaitai Reserve. *Clause 20* provides for the appointment of Tangata Tiaki/Kaitiaki for each mātaitai reserve. *Clause 21* provides that the mātaitai reserves are to be treated as if they had been declared by a *Gazette* notice given under the Fisheries (South Island Customary Fishing) Regulations 1999.

Clauses 22 and 23 declare and name Kaikōura Peninsula Taiāpure-Local Fishery and Oaro-Haumuri Taiāpure-Local Fishery. *Clause 24* provides that both taiāpure-local fisheries are to be treated as if they had been declared by an Order in Council made under the Fisheries Act 1996.

Subpart 4—Te Tai-o-Marokura Advisory Committee and Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area

Clause 25 establishes Te Tai-o-Marokura Advisory Committee (the **advisory committee**) for the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area (the **marine area**) to represent

the interests of iwi and the Kaikōura community, and environmental, tourism, and fishing interests.

Clause 26 provides that the advisory committee may provide advice to the Minister of Conservation and the Minister responsible for the administration of the Fisheries Act 1996 on any conservation or fisheries matter related to the marine and coastal environment within the marine area. If the advice is on a matter that relates exclusively to the marine area, the Ministers must take the advice into account. The advisory committee may also provide advice to any person exercising a power or performing a function under conservation and fisheries legislation, and the person may take the advice into account.

Subpart 5—Consequential amendments

Clause 27 amends the Fisheries (Amateur Fishing) Regulations 2013, as specified in *Schedules 5 and 6*, to provide specific regulation of amateur fishing in the marine area.

Clause 28 provides for consequential amendments to be made to the following enactments, as specified in *Schedule 7*,—

- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:
 - Marine and Coastal Area (Takutai Moana) Act 2011:
 - Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013.
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Hon Dr Nick Smith

Kaikōura (Te Tai-o-Marokura) Marine Management Bill

Government Bill

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**Kaikōura (Te Tai-o-Marokura) Marine
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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Kaikōura (Te Tai-o-Marokura) Marine Management Act **2014**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

- 3 Purpose**
The purpose of this Act is to—
 - (a) recognise the local, national, and international importance of the coast and sea around Kaikōura (**Te Tai-o-Marokura**) as a consequence of its unique coastal and

- marine environment and distinctive biological diversity and cultural heritage:
- (b) provide measures to assist the preservation, protection, and sustainable management of the coastal and marine environment and biological diversity of Te Tai-o-Marokura:
 - (c) establish, within Tai-o-Marokura,—
 - (i) a whale sanctuary:
 - (ii) a New Zealand fur seal sanctuary:
 - (iii) a marine reserve:
 - (iv) various taiāpure-local fisheries and mātaimai reserves:
 - (v) a marine management area:
 - (d) establish an advisory committee to provide advice to the Ministers regarding conservation and fisheries matters within the marine management area:
 - (e) amend the Fisheries (Amateur Fishing) Regulations 2013 to provide specific regulation of amateur fishing in the marine management area:
 - (f) acknowledge the importance of kaitiakitanga and local leadership.

4 Interpretation

In this Act, unless the context otherwise requires,—

advisory committee means the Te Tai-o-Marokura Advisory Committee established under **section 25**

conservation and fisheries legislation means the following Acts and any strategy, plan, declaration, regulations, bylaws, or *Gazette* notice made under those Acts:

- (a) Conservation Act 1987:
- (b) Fisheries Act 1996:
- (c) Marine Mammals Protection Act 1978:
- (d) Marine Reserves Act 1971:
- (e) Reserves Act 1977:
- (f) Wildlife Act 1953

Director-General means the Director-General of Conservation

Hikurangi Marine Reserve means the marine reserve declared by **section 6**

Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area means the area described in **clause 1 of Schedule 4**

Ministers means the Minister of Conservation and the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Fisheries Act 1996

Ōhau Point New Zealand Fur Seal Sanctuary means the New Zealand fur seal sanctuary declared by **section 10**

Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary means the whale sanctuary declared by **section 9**

Te Tai-o-Marokura means the coast and sea around Kaikōura.

- 5 Act binds the Crown**
This Act binds the Crown.

Part 2

Te Tai-o-Marokura management measures

Subpart 1—Hikurangi Marine Reserve

- 6 Hikurangi Marine Reserve**
- (1) The area described in **clause 1 of Schedule 1** is declared to be a marine reserve.
 - (2) The marine reserve is named Hikurangi Marine Reserve.
- 7 Effect of declaration of marine reserve**
The marine reserve declared by **section 6** is to be treated as if it were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971.
- 8 Ministerial review of marine reserve**
- (1) The Minister of Conservation must, 25 years after the commencement of this Act, initiate a review to determine the effectiveness of Hikurangi Marine Reserve.
 - (2) The Minister of Conservation must appoint a suitable person or organisation to conduct the review and set the terms of reference for the review.

Subpart 2—Te
Rohe-o-Te-Whānau-Puha–Kaikōura Whale
Sanctuary and Ōhau Point New Zealand Fur
Seal Sanctuary

*Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale
Sanctuary*

9 Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary

- (1) The area described in **clause 1 of Schedule 2** is declared to be a whale sanctuary.
- (2) The whale sanctuary is named Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary.

Ōhau Point New Zealand Fur Seal Sanctuary

10 Ōhau Point New Zealand Fur Seal Sanctuary

- (1) The area described in **clause 3 of Schedule 2** is declared to be a New Zealand fur seal sanctuary.
- (2) The New Zealand fur seal sanctuary is named Ōhau Point New Zealand Fur Seal Sanctuary.

Provisions that apply to both sanctuaries

**11 Provisions that apply to Te
Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary
and Ōhau Point New Zealand Fur Seal Sanctuary**

- (1) **Sections 12 to 16** apply to each sanctuary.
- (2) In this section and **sections 12 to 16**, **sanctuary** means Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary or Ōhau Point New Zealand Fur Seal Sanctuary.

**12 Minister of Conservation may impose restrictions or vary
or abolish sanctuaries**

- (1) The Minister of Conservation may, by a notice in the *Gazette*,—
 - (a) impose restrictions in respect of a sanctuary;
 - (b) vary or abolish a sanctuary.

- (2) A notice imposing a restriction may specify circumstances in which an application for an exemption from the restriction (in whole or in part) may be granted by the Director-General.
- (3) Before imposing a restriction or varying or abolishing a sanctuary, the Minister of Conservation must—
 - (a) publish a notice in the *Gazette* that describes the Minister of Conservation’s proposal to impose a restriction or to vary or abolish the sanctuary (the **proposal**) and calls for submissions on the proposal; and
 - (b) consider any submissions received within 28 days after the date of publication of the notice describing the proposal; and
 - (c) obtain any consent required under **subsection (5)**.
- (4) **Subsection (5)** applies where the proposal affects any matter within the responsibilities of any other Minister.
- (5) The Minister of Conservation must obtain the consent of the other Minister to the proposal and indicate, in the *Gazette* notice referred to in **subsection (1)**, that the other Minister consents to the proposal.
- (6) For the purposes of **subsections (4) and (5)**, other Minister includes the Commissioner of Crown Lands.
- (7) The Minister of Conservation need not comply with **subsections (3) to (5)** before varying restrictions imposed in respect of a sanctuary or before varying a sanctuary, in accordance with **subsection (1)**, where the variation has no more than a minor effect or corrects errors or makes minor technical changes.
- (8) A *Gazette* notice published in accordance with **subsection (1)** is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

13 Restrictions to be imposed following commencement

- (1) Within 1 month after the commencement of this Act, the Minister of Conservation must publish notices in the *Gazette*, under **section 12(1)(a)**, imposing restrictions—
 - (a) on seismic surveying within Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary:

- (b) on access to Ōhau Point New Zealand Fur Seal Sanctuary.
- (2) **Section 12(3) to (5)** does not apply to the *Gazette* notices referred to in **subsection (1)**.

14 Director-General may recover costs of assessing application

- (1) This section applies to any person who applies, in accordance with **section 12(2)**, to the Director-General for an exemption from any restriction imposed under **section 12(1)(a)**.
- (2) The Director-General may require the person to pay any costs incurred by the Director-General in assessing the application.
- (3) The Director-General may,—
 - (a) before assessing the application, estimate the costs and require the person to pay the estimated costs before the Director-General assesses the application; and
 - (b) after assessing the application, determine the actual costs and provide a refund or require further payment as appropriate.
- (4) If the costs are wholly or partly unpaid 20 working days after a request for payment, the Director-General may recover the unpaid costs from the person as a debt due.

15 Offences related to sanctuaries

- (1) A person commits an offence who—
 - (a) fails to comply with a restriction imposed in respect of a sanctuary by a *Gazette* notice under **section 12(1)(a)**; or
 - (b) makes any false or misleading statement in any application to the Director-General for an exemption from a restriction.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.
- (3) If a person is convicted of an offence against **subsection (1)** and, on sentencing for that offence, the court is satisfied beyond reasonable doubt that the offence was committed for the purpose of commercial gain or reward (whether or not any gain

or reward is realised), the person is liable, instead of any other penalty prescribed for the offence, to—

- (a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding \$300,000, or both:
- (b) in the case of a body corporate, a fine not exceeding \$300,000.

16 Application of Marine Mammals Protection Act 1978

- (1) The following provisions of the Marine Mammals Protection Act 1978 apply, with any necessary modifications, to a sanctuary as if the sanctuary were a marine mammal sanctuary declared by a notice in the *Gazette* given under section 22 of that Act:
 - (a) sections 3A to 3H:
 - (b) section 22(4) and (5):
 - (c) section 26(3):
 - (d) section 26A.
- (2) In relation to a sanctuary, every person declared or appointed to be a Marine Mammals Officer under section 11(1) or (2) of the Marine Mammals Protection Act 1978—
 - (a) is entitled to be provided with subsistence and accommodation in accordance with section 12 of that Act:
 - (b) may exercise powers of search in accordance with section 13 of that Act:
 - (c) may obtain a warrant in accordance with section 14 of that Act:
 - (d) is protected (together with the Crown and any person acting under the officer’s instructions) from proceedings in respect of certain actions in accordance with section 15 of that Act.
- (3) For the purposes of **subsections (1) and (2)**,—
 - (a) a breach of a restriction imposed by a *Gazette* notice under **section 12(1)(a)** is to be treated as a breach of the Marine Mammals Protection Act 1978; and
 - (b) an offence against **section 15** is to be treated as an offence against the Marine Mammals Protection Act 1978.

- (4) **Subsections (5) and (6)** apply where any person causes an officer to incur any expense—
- (a) by that person failing to comply with or acting in contravention of any restriction imposed by a *Gazette* notice under **section 12(1)(a)**; or
 - (b) by that person failing to comply with or acting in contravention of any order, direction, requirement, or condition reasonably and properly given or imposed in accordance with this subpart or by a *Gazette* notice under **section 12(1)(a)**.
- (5) The person must reimburse the Crown for the amount of the expense that—
- (a) is reasonably and properly incurred; and
 - (b) the officer would not otherwise have incurred.
- (6) The amount is recoverable from the person as a debt due to the Crown.

Subpart 3—Mātaitai reserves and taiāpure-local fisheries

Mātaitai reserves declared

17 Mangamaunu Mātaitai Reserve

- (1) The area described in **clause 1 of Schedule 3** is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Mangamaunu Mātaitai Reserve.

18 Oaro Mātaitai Reserve

- (1) The area described in **clause 2 of Schedule 3** is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Oaro Mātaitai Reserve.

19 Te Waha-o-te-Marangai Mātaitai Reserve

- (1) The area described in **clause 3 of Schedule 3** is declared to be a mātaitai reserve.
- (2) The mātaitai reserve is named Te Waha-o-te-Marangai Mātaitai Reserve.

20 Appointment of Tangata Tiaki/Kaitiaki for mātaimai reserves

- (1) Te Rūnanga o Kaikōura may nominate Tangata Tiaki/Kaitiaki for each mātaimai reserve declared by **sections 17, 18, and 19** by using form 1 in the Schedule of the Fisheries (South Island Customary Fishing) Regulations 1999, modified as necessary.
- (2) The Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Fisheries Act 1996 must appoint the Tangata Tiaki/Kaitiaki nominated by Te Rūnanga o Kaikōura within 20 working days of receiving the nominations.

21 Effect of declaration of mātaimai reserve

- (1) A mātaimai reserve declared by **section 17, 18, or 19** is to be treated as if it were declared by a notice in the *Gazette* given under regulation 20 of the Fisheries (South Island Customary Fishing) Regulations 1999 in accordance with those regulations.
- (2) An appointment of a Tangata Tiaki/Kaitiaki under **section 20** is to be treated as if it were an appointment under regulation 21 of the Fisheries (South Island Customary Fishing) Regulations 1999 in accordance with those regulations.
- (3) Regulation 22(1)(a) and (b) and (2) of the Fisheries (South Island Customary Fishing) Regulations 1999 does not apply to the mātaimai reserves.

Taiāpure-local fisheries declared

22 Kaikōura Peninsula Taiāpure-Local Fishery

- (1) The area described in **clause 4 of Schedule 3** is declared to be a taiāpure-local fishery.
- (2) The taiāpure-local fishery is named Kaikōura Peninsula Taiāpure-Local Fishery.

23 Oaro-Haumuri Taiāpure-Local Fishery

- (1) The area described in **clause 5 of Schedule 3** is declared to be a taiāpure-local fishery.

- (2) The taiāpure-local fishery is named Oaro-Haumuri Taiāpure-Local Fishery.

24 Effect of declarations of taiāpure-local fisheries

A taiāpure-local fishery declared by **section 22 or 23** is to be treated as if it were declared by an Order in Council made under section 175 of the Fisheries Act 1996 in accordance with that Act.

Subpart 4—Te Tai-o-Marokura
Advisory Committee and Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area

25 Te Tai-o-Marokura Advisory Committee established

- (1) This section establishes an advisory committee for the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- (2) The advisory committee is named Te Tai-o-Marokura Advisory Committee.
- (3) The Ministers may—
- (a) appoint and remove members of the advisory committee;
 - (b) disestablish the advisory committee.
- (4) Before appointing or removing any member of the advisory committee in accordance with **subsection (3)(a)**, the Ministers must be satisfied that, following the appointment or removal, the interests of the following will be represented on the advisory committee:
- (a) iwi; and
 - (b) the Kaikōura community; and
 - (c) the environment, tourism, and fishing.
- (5) The advisory committee may, subject to any directions given to it by the Ministers (or one of them), determine its own procedure.

26 Advisory committee may advise Ministers and persons exercising statutory powers and performing statutory functions

- (1) The advisory committee may, on request or on the advisory committee's own initiative, provide advice to the Ministers (or one of them) on any conservation or fisheries matter related to the marine and coastal environment within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- (2) If the matter relates exclusively to the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, the Ministers must take the advisory committee's advice into account.
- (3) If the matter also relates to any area outside of the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, the Ministers may, but are not required to, take the advisory committee's advice into account.
- (4) The advisory committee may provide advice on any matter related to the marine and coastal environment within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area to any person (other than one of the Ministers) exercising a power or performing a function under the conservation and fisheries legislation.
- (5) The person may take the advisory committee's advice into account when exercising the power or performing the function.

Subpart 5—Consequential amendments

27 Amendments to the Fisheries (Amateur Fishing) Regulations 2013 relating to Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area

- (1) This section amends the Fisheries (Amateur Fishing) Regulations 2013.
- (2) Amend the provisions set out in **Schedule 5** in the manner set out in that schedule.
- (3) After Schedule 10, insert the **Schedule 10A** set out in **Schedule 6** of this Act.

28 Consequential amendments

Amend the enactments specified in **Schedule 7** as set out in that schedule.

Schedule 1

s 6(1)

Hikurangi Marine Reserve

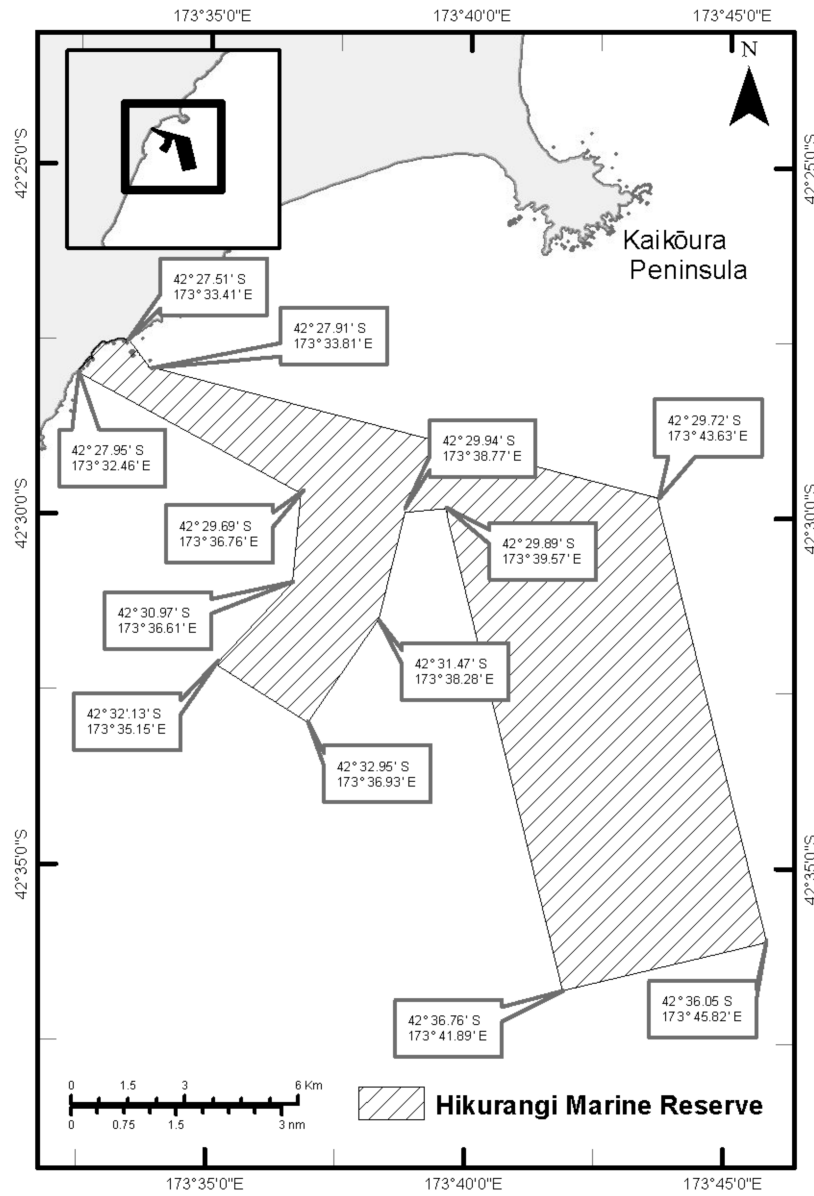
1 Description of Hikurangi Marine Reserve

The Hikurangi Marine Reserve comprises all of the area (within the meaning of the Marine Reserves Act 1971) enclosed by a line—

- (a) commencing at a point on the mean high-water mark east of Raramai Tunnel (at 42°27.51'S and 173°33.41'E); then
- (b) proceeding in a straight line in a south-easterly direction to a point at 42°27.91'S and 173°33.81'E; then
- (c) proceeding in a straight line in a south-easterly direction to a point at 42°29.72'S and 173°43.63'E; then
- (d) proceeding in a straight line in a south-easterly direction to a point at 42°36.05'S and 173°45.82'E; then
- (e) proceeding in a straight line in a south-westerly direction to a point at 42°36.76'S and 173°41.89'E; then
- (f) proceeding in a straight line in a north-westerly direction to a point at 42°29.89'S and 173°39.57'E; then
- (g) proceeding in a straight line in a south-westerly direction to a point at 42°29.94'S and 173°38.77'E; then
- (h) proceeding in a straight line in a south-westerly direction to a point at 42°31.47'S and 173°38.28'E; then
- (i) proceeding in a straight line in a south-westerly direction to a point at 42°32.95'S and 173°36.93'E; then
- (j) proceeding in a straight line in a north-westerly direction to a point at 42°32.13'S and 173°35.15'E; then
- (k) proceeding in a straight line in a north-easterly direction to a point at 42°30.97'S and 173°36.61'E; then
- (l) proceeding in a straight line in a north-easterly direction to a point at 42°29.69'S and 173°36.76'E; then
- (m) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark south-west of the Raramai Tunnel (at 42°27.95'S and 173°32.46'E); then
- (n) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

2 Map of Hikurangi Marine Reserve

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails.



Map of Hikurangi Marine Reserve

Schedule 2

ss 4, 9(1), 10(1)

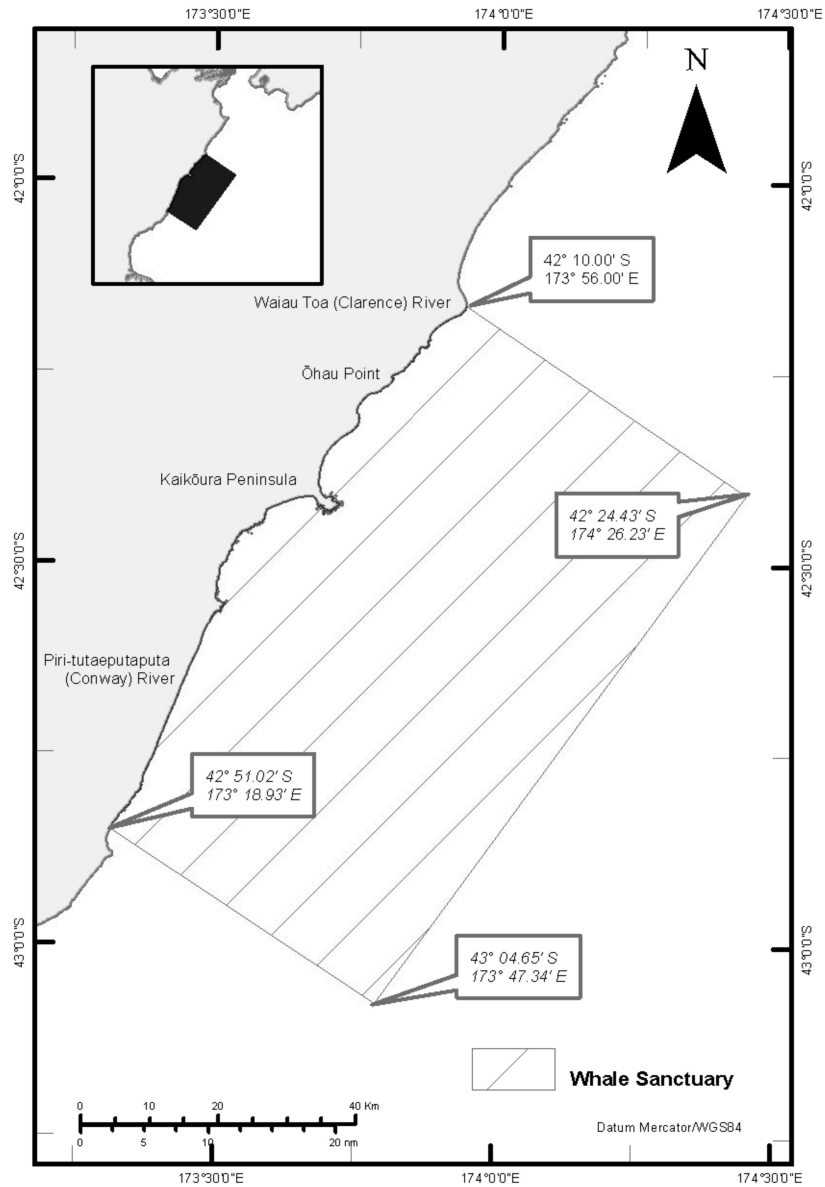
**Te Rohe-o-Te-Whānau-Puha–Kaikōura
Whale Sanctuary and Ōhau Point New
Zealand Fur Seal Sanctuary****1 Description of Te Rohe-o-Te-Whānau-Puha–Kaikōura
Whale Sanctuary**

Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary comprises all of the area enclosed by a line—

- (a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00'S and 173°56.00'E); then
- (b) proceeding in a straight line in a south-easterly direction to a point at 42°24.43'S and 174°26.23'E; then
- (c) proceeding in a straight line in a south-westerly direction to a point at 43°04.65'S and 173°47.34'E; then
- (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark near the mouth of the Jed River (at 43°51.02'S and 173°18.97'E); then
- (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

**2 Map of Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale
Sanctuary**

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails.



Map of Te Rohe-o-Te-Whānau-Puha Kaikōura Whale Sanctuary

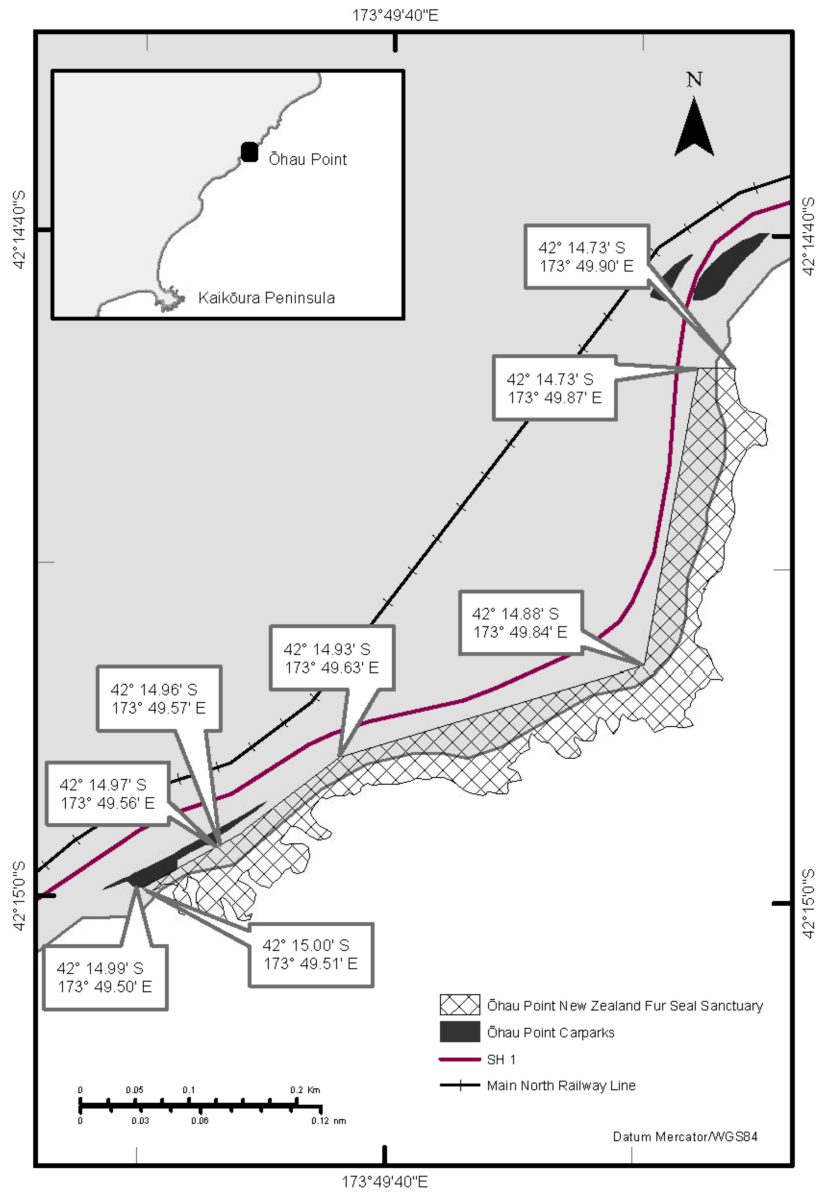
3 Description of Ōhau Point New Zealand Fur Seal Sanctuary

The Ōhau Point New Zealand Fur Seal Sanctuary comprises all of the area enclosed by a line—

- (a) commencing at a point on the mean low-water springs south of the Ōhau Stream (at 42°14.73'S and 173°49.90'E); then
- (b) proceeding in a generally south-westerly direction along the mean low-water springs to a point at 42°15.00'S and 173°49.51'E; then
- (c) proceeding in a straight line in a north-westerly direction to a point on land (at 42°14.99'S and 173°49.50'E); then
- (d) proceeding in a straight line in a north-easterly direction to a point at 42°14.97'S and 173°49.56'E; then
- (e) proceeding in a straight line in a north-easterly direction to a point at 42°14.96'S and 173°49.57'E; then
- (f) proceeding in a straight line in a north-easterly direction to a point at 42°14.93'S and 173°49.63'E; then
- (g) proceeding in a straight line in a north-easterly direction to a point at 42°14.88'S and 173°49.84'E; then
- (h) proceeding in a straight line in a north-easterly direction to a point at 42°14.73'S and 173°49.87'E; then
- (i) proceeding due east to the point of commencement.

4 Map of Ōhau Point New Zealand Fur Seal Sanctuary

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 3** the description prevails.



Map of Ōhau Point New Zealand Fur Seal Sanctuary

Schedule 3**ss 17(1), 18(1), 19(1),
22(1), 23(1)****Mātaitai reserves and taiāpure-local
fisheries**

Mangamaunu Mātaitai Reserve

1 Description of Mangamaunu Mātaitai Reserve

The Mangamaunu Mātaitai Reserve comprises that part of New Zealand fisheries waters enclosed by a line—

- (a) commencing at a point on the mean high-water mark approximately 1 kilometre south of Mangamaunu (at 42°18.54'S and 173°45.14'E); then
- (b) proceeding due east to a point at 42°18.54'S and 173°45.23'E; then
- (c) proceeding due south to a point at 42°18.63'S and 173°45.23'E; then
- (d) proceeding due west to a point on the mean high-water mark at 42°18.63'S and 173°45.16'E; then
- (e) proceeding in a generally north-westerly direction along the mean high-water mark to the point of commencement.

Oaro Mātaitai Reserve

2 Description of Oaro Mātaitai Reserve

The Oaro Mātaitai Reserve comprises that part of New Zealand fisheries waters enclosed by a line—

- (a) commencing at a point on the mean high-water mark north of the mouth of the Oaro River (at 42°30.80'S and 173°30.42'E); then
- (b) proceeding due east to a point offshore (at 42°30.80'S and 173°30.60'E); then
- (c) proceeding due south to a point offshore (at 42°31.20'S and 173°30.60'E); then
- (d) proceeding due west to a point on the mean high-water mark (at 42°31.20'S and 173°30.30'E); then
- (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

Te Waha-o-te-Marangai Mātaitai Reserve

- 3 Description of Te Waha-o-te-Marangai Mātaitai Reserve**
Te Waha-o-te-Marangai Mātaitai Reserve comprises that part of New Zealand fisheries waters enclosed by a line—
- (a) commencing at a point on the mean high-water mark north of Kiwa Road (at 42°17.12'S and 173°45.69'E); then
 - (b) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°17.18'S and 173°45.76'E); then
 - (c) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°17.24'S and 173°45.68'E); then
 - (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark (at 42°17.17'S and 173°45.61'E); then
 - (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

Kaikōura Peninsula Taiāpure-Local Fishery

- 4 Description of Kaikōura Peninsula Taiāpure-Local Fishery**
The Kaikōura Peninsula Taiāpure-Local Fishery comprises that area of New Zealand fisheries waters (being estuarine or littoral coastal waters) enclosed by a line—
- (a) commencing at a point on the mean high-water mark at Kaikōura (at 42°24.74'S and 173°41.40'E); then
 - (b) proceeding in a straight line in a north-easterly direction to a point offshore (at 42°24.54'S and 173°42.32'E); then
 - (c) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°25.35'S and 173°43.84'E); then
 - (d) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°26.59'S and 173°41.54'E); then

- (e) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark south-east of Ocean Ridge (at 42°24.84'S and 173°39.40'E); then
- (f) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

Oaro-Haumuri Taiāpure-Local Fishery

5 Description of Oaro-Haumuri Taiāpure-Local Fishery

The Oaro-Haumuri Taiāpure-Local Fishery comprises that area of New Zealand fisheries waters (being estuarine or littoral coastal waters) enclosed by a line—

- (a) commencing at a point on the mean high-water mark north of Oaro (at 42°30.68'S and 173°30.43'E); then
 - (b) proceeding due east to a point offshore (at 42°30.68'S and 173°30.85'E); then
 - (c) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°32.15'S and 173°30.78'E); then
 - (d) proceeding in a straight line in a south-easterly direction to a point offshore (at 42°33.25'S and 173°31.45'E); then
 - (e) proceeding in a straight line in a south-westerly direction to a point offshore (at 42°34.09'S and 173°30.61'E); then
 - (f) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark (at 42°33.92'S and 173°30.11'E); then
 - (g) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.
-

Schedule 4

s 4

**Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area**

**1 Description of Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine
Area**

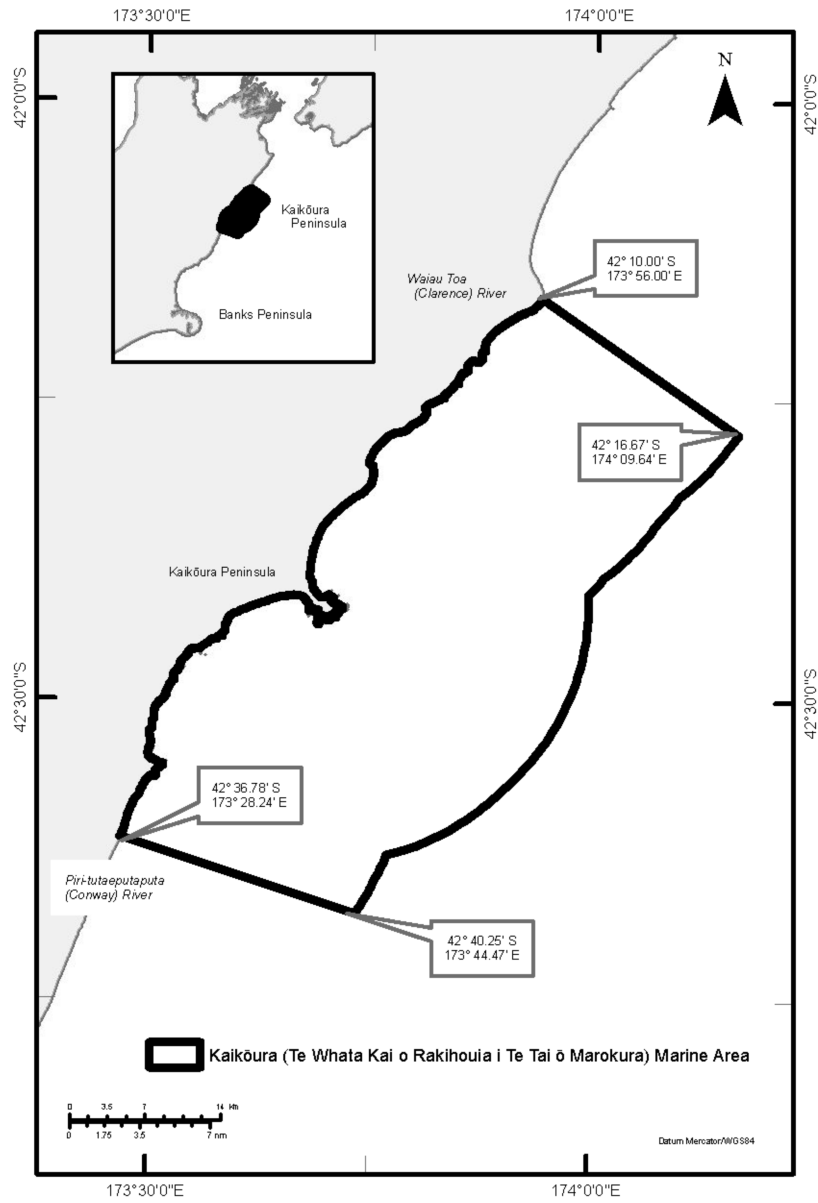
The Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area comprises all those waters enclosed by a line—

- (a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00'S and 173°56.00'E); then
- (b) proceeding in a straight line in a south-easterly direction to a point on the outer limit of the territorial sea (at 42°16.67'S and 174°09.64'E); then
- (c) proceeding in a south-westerly direction following the outer limit of the territorial sea to a point at 42°40.25'S and 173°44.47'E; then
- (d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark approximately 300 m north of the mouth of the Conway River (at 42°36.78'S and 173°28.24'E); then
- (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

**2 Map of Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine
Area**

The following map is indicative only, and if there is any inconsistency between the map and the description in **clause 1** the description prevails.

Kaikōura (Te Tai-o-Marokura) Marine Management Bill



Map of Kaikōura (Te Whata Kai o Rakihouia i Te Tai o Marokura) Marine Area

Schedule 5
**Amendments to Fisheries (Amateur
Fishing) Regulations 2013**

s 27(2)

Regulation 3

In regulation 3(1), replace “fish or aquatic life” with “fish, aquatic life, or seaweed”.

In regulation 3(2), replace “fish or aquatic life” with “fish, aquatic life, or seaweed”.

Regulation 8

In regulation 8, insert in its appropriate alphabetical order:

“**albacore** means a fish of the species *Thunnus alalunga*”.

New regulations 123A and 123B and cross-heading

After regulation 123, insert:

*“Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area*

**“123A Daily limits (including individual
species limits) in Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine
Area**

- “(1) A person must not, on any day,—
- “(a) take more than the daily limit for a species of fish or shellfish specified in the table in Schedule 10A (the **daily limit for a species of fish or shellfish**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess more than the daily limit for a species of fish or shellfish in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess more than the daily limit for a species of fish or shellfish taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(2) A person must not, on any day,—
- “(a) take more than a total quantity of 5 albacore, bluenose, hapuku/bass, kingfish, and ling (the **combined daily**

New regulations 123A and 123B and cross-heading—continued

- limit for albacore, bluenose, hapuku/bass, kingfish, and ling)** from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
- “(b) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(3) A person must not, on any day,—
- “(a) take more than a total quantity of 1 blue shark, hammerhead shark, mako shark, porbeagle shark, seven gill shark, and thresher shark (the **combined daily limit for game sharks**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess more than the combined daily limit for game sharks in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess more than the combined daily limit for game sharks taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(4) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for a species of fish or shellfish or the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling or the combined daily limit for game sharks, but not more than 3 times that daily limit.
- “(5) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times—
- “(a) the daily limit for a species of fish or shellfish; or
 - “(b) the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling; or
 - “(c) the combined daily limit for game sharks.
- “(6) A person who contravenes—
- “(a) subclause (4) commits an offence and is liable on conviction to a fine not exceeding \$10,000:

New regulations 123A and 123B and cross-heading—continued

- “(b) subclause (5) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

“123B Daily limits and restrictions on taking bladder kelp and karengo in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area

- “(1) A person must not, on any day,—
- “(a) take more than 5 litres of wet volume of bladder kelp (the **daily limit for bladder kelp**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess more than the daily limit for bladder kelp in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess more than the daily limit for bladder kelp taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(2) A person must not, on any day,—
- “(a) take more than 5 litres of wet volume of karengo (the **daily limit for karengo**) from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess more than the daily limit for karengo in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess more than the daily limit for karengo taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(3) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for bladder kelp or the daily limit for karengo, but not more than 3 times that daily limit.
- “(4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit for bladder kelp or the daily limit for karengo.

New regulations 123A and 123B and cross-heading—continued

- “(5) A person must not take bladder kelp or karengo from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area by any method other than hand-gathering.
- “(6) A person who contravenes—
- “(a) subclause (3) or (5) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
 - “(b) subclause (4) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.
- “(7) In this regulation,—
- “**5 litres of wet volume** means the amount of fresh seaweed that fits into a 5-litre bucket
 - “**bladder kelp** means seaweed of the species *Macrocystis pyrifera*
 - “**hand-gathering** means the use of the hands to physically take seaweed
 - “**karengo** means seaweed of either of the following genera:
 - “(a) *Porphyra*; or
 - “(b) *Ulva*.”

New regulation 125A

After regulation 125, insert:

“125A Minimum lengths for blue cod and sea perch taken from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area

- “(1) A person must not—
- “(a) take any blue cod that is less than 33 cm in length from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess any blue cod that is less than 33 cm in length taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(2) A person must not—

New regulation 125A—continued

- “(a) take any sea perch that is less than 26 cm in length from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
- “(b) possess any sea perch that is less than 26 cm in length taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(3) A person who contravenes subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000.”

New regulations 132A and 132B

After regulation 132, insert:

**“132A Prohibition on taking or possessing
red moki from Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine
Area**

- “(1) A person must not—
 - “(a) take any red moki from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(b) possess any red moki in the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area; or
 - “(c) possess any red moki taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(2) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

**“132B Requirement to mark spiny rock
lobsters taken from Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine
Area**

- “(1) A person who takes any spiny rock lobster from the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area must, on taking the spiny rock lobster, cut one-third of the telson off the tail fan of the spiny rock lobster.
- “(2) A person must not possess any spiny rock lobster taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-

New regulations 132A and 132B—*continued*

Marokura) Marine Area if the spiny rock lobster has not had one-third of the telson cut off its tail fan.

- “(3) A person who contravenes subclause (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000.”

New regulation 159A

After regulation 159, insert:

“**159A Limitation on defence in relation to possessing spiny rock lobsters taken from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area**

- “(1) The defence set out in regulation 157(1) does not apply to a charge of possessing more than the daily limit for spiny rock lobsters if the spiny rock lobsters were taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area.
- “(2) Despite subclause (1), it is a defence to a charge of possessing more than the daily limit for spiny rock lobsters taken from within the Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area if the defendant satisfies the court that—
- “(a) the defendant possessed no more than 18 spiny rock lobsters; and
 - “(b) the daily limit for spiny rock lobsters specified in regulation 13(1) was not exceeded; and
 - “(c) in the case of spiny rock lobsters held on board or landed from a vessel, the spiny rock lobsters were held in containers or bags that comply with subclause (3).
- “(3) For the purposes of subclause (2)(c), the containers or bags must—
- “(a) contain only spiny rock lobsters taken on a single day; and
 - “(b) be clearly labelled with a record of—
 - “(i) the individual fisher’s full name; and
 - “(ii) the date on which that fisher took the spiny rock lobsters; and

New regulation 159A—*continued*

- “(iii) the number of spiny rock lobsters held in the container or bag.”

Schedule 17

In Schedule 17, clause 1, insert in its appropriate alphabetical order:

“**Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area** means all those waters enclosed by a line—

- “(a) commencing at a point on the mean high-water mark at Clarence Point (at 42°10.00’S and 173°56.00’E); then
- “(b) proceeding in a straight line in a south-easterly direction to a point on the outer limit of the territorial sea (at 42°16.67’S and 174°09.64’E); then
- “(c) proceeding in a south-westerly direction following the outer limit of the territorial sea to a point at 42°40.25’S and 173°44.47’E; then
- “(d) proceeding in a straight line in a north-westerly direction to a point on the mean high-water mark approximately 300 m north of the mouth of the Conway River (at 42°36.78’S and 173°28.24’E); then
- “(e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement”.

Schedule 19

In Schedule 19, Part 5, after the fourth item relating to regulation 123(3), insert:

r 123A(4)	Taking or possessing more than the daily limit for species of fish or shellfish in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 2 times that daily limit	250
r 123A(4)	Taking or possessing more than 2 times the daily limit for species of fish or shellfish in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 3 times that daily limit	500

Schedule 19—*continued*

r 123A(4)	Taking or possessing more than the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 2 times that combined daily limit	250
r 123A(4)	Taking or possessing more than 2 times the combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 3 times that combined daily limit	500
r 123A(4)	Taking or possessing more than the combined daily limit for game sharks in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 2 times that combined daily limit	250
r 123A(4)	Taking or possessing more than 2 times the combined daily limit for game sharks in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 3 times that combined daily limit	500
r 123B(3)	Taking or possessing more than the daily limit for bladder kelp or karengo in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 2 times that daily limit	250
r 123B(3)	Taking or possessing more than 2 times the daily limit for bladder kelp or karengo in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area, but not more than 3 times that daily limit	500
r 123B(5)	Taking bladder kelp or karengo from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area except by hand	250

In Schedule 19, Part 5, after the item relating to regulation 125(1), insert:

r 125A(1)	Taking or possessing undersize blue cod from or in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area	250
r 125A(2)	Taking or possessing undersize sea perch from or in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area	250

In Schedule 19, Part 5, after the item relating to regulation 132(1), insert:

Schedule 19—*continued*

r 132A(1)	Taking or possessing red moki from or in Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area	250
r 132B(1)	Failing to cut off one-third of telson from spiny rock lobster taken from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area	250
r 132B(2)	Possessing spiny rock lobster without one-third of telson cut off taken from Kaikōura (Te Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura) Marine Area	250

Schedule 6**s 27(3)****New Schedule 10A inserted into Fisheries
(Amateur Fishing) Regulations 2013****Schedule 10A**

r 123A(1)

**South-East FMA: limits in Kaikōura (Te
Whata-Kai-o-Rakihouia-i-Te-Tai-o-Marokura)
Marine Area**

Species	Daily limit (per person)
Cat's eye	20
Cockle (whether of the species <i>Chione</i> (<i>Austrovenus</i>) <i>stutchburyi</i> or of the species <i>Protothaca crassicosta</i>)	50
Kina	20
Ordinary paua	6
Yellowfoot paua	6
Any other shellfish (whether of the same or different species) for which a specific limit is not specified in this schedule or in Schedule 1	30
Albacore	3
Blue cod	6
Blue moki	10
Bluenose	3
Butterfish	10
Hapuku/bass	3
Kahawai	10
Kingfish	3
Ling	3
Rig	3
School shark	3
Sea perch	20
Tarakihi	10

Schedule 7

s 28

Consequential amendments

Part 1

Amendments to Acts

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

After section 7(2)(g), insert:

“(ga) **Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014.**”.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

After section 47(3)(b), insert:

“(ba) proposals under **section 12** of the **Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014** to vary or abolish a sanctuary:”.

Part 2

Amendment to regulations

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013 (SR 2013/283)

In regulation 7, insert as subclause (2):

“(2) Subclause (1) does not apply to seismic surveying within Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary established under **section 10** of the **Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014.**”

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Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary (Restrictions) Notice 2014

Pursuant to section 14 of the Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014, the Minister of Conservation gives the following notice.

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Notice

- Title**
This notice is the Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary (Restrictions) Notice 2014.
- Commencement**
This notice comes into force on **[date]**.
- Interpretation**
In this notice,—

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cl 4

**Te Rohe-o-Te-Whānau-Puha–Kaikōura
Whale Sanctuary (Restrictions) Notice 2014**

accident, incident, and mishap have the meanings given in section 2(1) of the Maritime Transport Act 1992

inner sanctuary area means the area of the sanctuary described in the Schedule

Level 1 survey, Level 2 survey, and marine seismic survey have the meanings given in section 2 of the seismic survey code of conduct

sanctuary means Te Rohe-o-Te-Whānau-Puha–Kaikōura Whale Sanctuary

seismic survey code of conduct means the Department of Conservation’s *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations*

hazard assessment means an assessment—

- (a) of faultlines or the stability of the canyon slope following a major seismic event; or
- (b) of the likelihood of, or to mitigate the potential effects of, an anticipated natural hazard; or
- (c) of the likelihood of, or to mitigate the potential effects of, a maritime accident, incident, or mishap.

4 Marine seismic surveys must comply with code of conduct

- (1) Any person conducting a marine seismic survey within the sanctuary (including those parts of the sanctuary that are within the territorial sea) must comply with the seismic survey code of conduct unless the Director-General has provided an exemption under subclause (3).
- (2) For the purposes of this notice, every reference to a marine mammal sanctuary in the seismic survey code of conduct is also to be read as a reference to the sanctuary.
- (3) The Director-General may exempt a person from some or all of the requirements of the seismic survey code of conduct only if satisfied that non-compliance is necessary for an urgent hazard assessment.
- (4) If the Director-General exempts a person from some or all of the requirements of the seismic survey code of conduct, the person must still, to the extent reasonably practicable in the

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circumstances, comply with the seismic survey code of conduct.

- 5 Restrictions on Level 1 and Level 2 surveys in sanctuary**
- (1) No person may conduct a Level 1 survey within the sanctuary unless the survey is necessary for an urgent hazard assessment.
 - (2) No person may conduct a Level 2 survey within the inner sanctuary area unless the Director-General has approved the survey under subclause (3).
 - (3) The Director-General may approve an application to conduct a Level 2 survey within the inner sanctuary area only if satisfied that the survey is necessary—
 - (a) for an urgent hazard assessment; or
 - (b) for research that will enhance New Zealand’s hazard resilience and preparedness; or
 - (c) for research that will make a nationally significant contribution to the scientific understanding of New Zealand’s geology.
 - (4) The Director-General may approve an application to conduct a Level 2 survey within the inner sanctuary area for research for the purposes specified in subclause (3)(b) and (c) only if satisfied that the purpose of the research cannot be achieved if the research is conducted outside of the inner sanctuary area.

Schedule

cl 3

Description of inner sanctuary area

- 1 Description of inner sanctuary area**
- The inner sanctuary area comprises all of the area enclosed by a line—
- (a) commencing at a point on the mean high-water mark near the intersection of Seaward Valley and State Highway 1 (at 42°16.77’S and 173°46.17’E); then
 - (b) proceeding in a straight line in a south-easterly direction to a point at 42°27.21’S and 173°06.95’E; then
 - (c) proceeding in a straight line in a south-westerly direction to a point at 42°51.11’S and 173°43.99’E; then

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Explanatory note **Te Rohe-o-Te-Whānau-Puha–Kaikōura
Whale Sanctuary (Restrictions) Notice 2014**

- (d) proceeding in a straight line in a north-westerly direction to a point at 42°42.02'S and 173°25.22'E; then
- (e) proceeding in a generally north-easterly direction along the mean high-water mark to the point of commencement.

2 Map of inner sanctuary area

The following map is indicative only, and if there is any inconsistency between the map and the description in clause 1 the description prevails.

Dated at Wellington this day of 20 .

Minister of Conservation.

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Ohau Point New Zealand Fur Seal Sanctuary (Restrictions) Notice 2014

Pursuant to section 13 of the Kaikōura (Te Tai-o-Marokura) Marine Management Act 2014, the Minister of Conservation gives the following notice.

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3 Restricted access to Ohau Point New Zealand Fur Seal Sanctuary	1

Notice

- 1 Title**
This notice is the Ohau Point Fur Seal Sanctuary (Restrictions) Notice 2014.
- 2 Commencement**
This notice comes into force on **[date]**.
- 3 Restricted access to Ohau Point New Zealand Fur Seal Sanctuary**
A person must not enter the Ohau Point New Zealand Fur Seal Sanctuary unless the person—
 - (a) enters the sanctuary from the water and does not enter the land within the sanctuary; or
 - (b) is a member of the emergency services or enters the sanctuary as a consequence of an emergency; or

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Explanatory note **Ohau Point New Zealand Fur Seal
Sanctuary (Restrictions) Notice 2014**

- (c) holds a permit granted under section 6 of the Marine Mammals Protection Act 1978 which authorises the person to enter the sanctuary; or
- (d) is authorised by the New Zealand Transport Agency and the Director-General to enter the sanctuary for work that is necessary for maintenance or upgrades of State Highway 1; or
- (e) is authorised by the Surveyor-General to enter the sanctuary for surveying purposes; or
- (f) is performing a function under the Maritime Transport Act 1994; or
- (g) is performing a function under the conservation and fisheries legislation; or
- (h) is authorised by the Director-General to enter the sanctuary.

Dated at Wellington this day of 20 .

Minister of Conservation.
