

Fisheries Amendment Act 1995 051

Commenced: 1 October 1995; 1 October 1995, ss. 8(1), (2), (4), 9(1), (3), (4), (5), 28D, 28ZM, 28ZZD(2),
28ZZE, 28ZZF, 28ZZG; 1 October 1994, ss. 8(3),
9(2), 28OF(1), 28OJ(1)

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1995, No. 51

An Act to amend the Fisheries Act 1983

[22 September 1995

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Fisheries Amendment Act 1995, and shall be read together with and deemed part of the Fisheries Act 1983 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 8 (3) and 9 (3) of this Act, this Act shall come into force on the 1st day of October 1995.

2. Interpretation---Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term "owner", the following definitions:

"PAU 5A' or 'Quota management area PAU 5A - Fiordland', 'PAU 5B' or 'Quota management area PAU 5B - Stewart Island', or 'PAU 5D' or 'Quota management area PAU 5D - Southland and Otago' means the area having that name and defined in Schedule 1DA to this Act:

"Paua' means a fish of the species *Haliotis iris* or *Haliotis australis*; but does not include a fish of the species *Haliotis virginea*."

3. New sections inserted---The principal Act is hereby amended by inserting, after section 28BA (as inserted by section 49 of the Maori Fisheries Act 1989), the following sections:

"28BB. Subdivision of quota management area known as PAU 5---(1) PAU 5A, PAU 5B, and PAU 5D, as defined in Part I of Schedule 1DA to this Act, are hereby established as quota management areas for the purposes of this Part of this Act.

"(2) On and from the 1st day of October 1995, the taking of paua in PAU 5A or PAU 5B or PAU 5D is subject to the quota management system established under this Part of this Act.

"(3) The quota management area known as PAU 5 - South-East/Southland (Otago and Southland Coast) and defined in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986 is hereby abolished.

"(4) The reallocation of individual transferable quota for paua as a consequence of the enactment of this section or section 28BC or section 28BD of this Act, whether effected under this Act or any other enactment, does not constitute an allocation of new quota for the purposes of any enactment.

"28BC. Total allowable commercial catch for paua---(1) The initial total allowable commercial catch for paua in each of the areas PAU 5A, PAU 5B, and PAU 5D shall be as set out in Part II of Schedule 1DA to this Act.

"(2) After the initial total allowable commercial catch for paua has been set, it may be altered from time to time under section 28C of this Act.

"28BD. Allocation of total allowable commercial catch for paua---(1) Every person who, immediately before the date of commencement of this section, held individual transferable quota for paua in the quota management area known as PAU 5 - South-East/Southland (Otago and Southland Coast) shall, in respect of each of the areas PAU 5A, PAU 5B, and PAU 5D, be granted an initial allocation of individual transferable quota for paua that is equivalent to one-third of the amount of individual transferable quota for paua in PAU 5 - South-East/Southland (Otago and Southland Coast) held by that person immediately before that date.

"(2) Notwithstanding subsection (1) of this section, if any allocation to be granted under that subsection in respect of PAU 5A or PAU 5B or PAU 5D would result in the allocation of an amount of quota that consists of 1 or more whole kilogrammes and part of a kilogramme, or of part of a kilogramme, the responsible chief executive may add that part of a kilogramme of quota to the quota to be allocated to the holder for another quota management area referred to in this subsection; and any amount so added shall be regarded as having been allocated in accordance with that subsection.

"(3) Nothing in section 28S of this Act prevents any person holding, purchasing, or taking on lease less than 3 tonnes of individual transferable quota for paua for PAU 5A or PAU 5B or PAU 5D during the period beginning on the date of commencement of this section and ending with the expiration of 4 months after that date; and, as from the expiration of that 4-month period, any person holding less than 3 tonnes of individual transferable quota for paua for PAU 5A or PAU 5B or PAU 5D may continue to take paua under that quota notwithstanding the provisions of section 28S of this Act."

4. Taking of fish in excess of quota, and carrying forward of unused quota---Section 28V of the principal Act (as substituted by section 22 (1) of the Fisheries Amendment Act 1990) is hereby amended by inserting in subsection (11) (as added by section 8 (2) of the Fisheries Amendment Act (No. 2) 1992), before the words "rock lobster", the words "the taking of paua in PAU 5A or PAU 5B or PAU 5D or".

5. New heading and section inserted---The principal Act is hereby amended by inserting, after section 107EG (as inserted by section 3 of the Fisheries Amendment Act 1994), the following heading and section:

"Commodity Levies

"107EH. Application of Commodity Levies Act 1990---Notwithstanding anything in the Commodity Levies Act 1990, that Act shall apply to fish and any other commodity (as defined in that Act) to which this Act applies with the following modifications:

"(a) It shall be sufficient compliance with section 5 (2) (ac) if the ballot paper described the proposal clearly, specifying in relation to it all the matters required by section 6 (1) to be specified in a levy order, and the Minister is satisfied that the ballot paper indicated that the imposition of the levy was proposed to be on the basis of 1 of the following:

"(i) Quota allocated in respect of the commodity under this Act:

"(ii) The landed value of the commodity:

"(iii) The greenweight or meatweight of the commodity:

"(b) It shall be sufficient compliance with paragraphs (ah) to (ak) of section 5 (2) if the Minister is satisfied that, during such period before the support referendum as the Minister thinks fit, the quota held by or the value of commodity landed by or the greenweight or meatweight of the commodity landed by supporters was more than half of the quota held by or the value of commodity landed by or the greenweight or meatweight of the commodity landed by all participants, as the case may be."

6. New Schedule 1DA inserted---The principal Act is hereby amended by inserting, after Schedule 1D (as inserted by section 23 of the Fisheries Amendment Act (No. 2) 1992), the Schedule 1DA set out in the First Schedule to this Act.

7. Scallops to be subject to Part IIA---(1) Every quota held under Part IIB of the principal Act immediately before the commencement of this Act is hereby declared to be individual transferable quota under Part IIA of that Act.

(2) Annual allowable catch under Part IIB of the principal Act and having effect immediately before the commencement of this Act is hereby deemed to be total allowable commercial catch under Part IIA of that Act.

(3) Every reference in any enactment or document to annual allowable catch for scallops shall hereafter be read as a reference to total allowable commercial catch.

(4) Notwithstanding anything in section 28OB of the principal Act, the total allowable commercial catch for scallops may be altered during any fishing year and the commencement date of any fishing year to which any total allowable commercial catch applies may be altered.

8. Further amendments to principal Act and regulations---(1) The principal Act is hereby amended in the manner indicated in the Second Schedule to this Act.

(2) The regulations and notices specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(3) The amendments made to sections 28OF (1) and 28OJ (1) of the principal Act by subsection (1) of this section shall be deemed to have come into force on the 1st day of October 1994.

(4) The regulations and notices referred to in the Third Schedule to this Act may be amended or revoked as if the amendments set out in that Schedule had been effected by regulations or notice, as the case may be, and not by this Act.

9. Repeals and revocations---(1) Part I (comprising sections 4 to 12) and sections 28AB, 28ZH, 28ZI, 28ZJ, 28ZK, 28ZL, 28ZP, 28ZQ, 28ZR, 28ZS, 28ZT, 28ZU, 28ZV, 28ZW, 28ZX, 28ZY, 28ZZ, 28ZZA, and 28ZZC of the principal Act are hereby repealed.

(2) Clause 4 of Part A, and Part D, of the Second Schedule to the Fisheries Amendment Act 1994 are hereby repealed.

(3) Subsection (2) of this section shall be deemed to have come into force on the 1st day of October 1994.

(4) The following enactments are hereby consequentially repealed:

(a) So much of the Second Schedule to the Conservation Act 1987 as relates to sections 6, 7, 8, 10A, and 11 of the principal Act:

(b) Sections 5, 6, and 7 of the Fisheries Amendment Act 1986:

(c) So much of the Eighth Schedule to the Resource Management Act 1991 as relates to sections 6, 10, and 10B of the principal Act:

(d) Section 10 (2) of the Fisheries Amendment Act 1991:

(e) Section 3 of the Fisheries Amendment Act 1993:

(f) So much of the Schedule to the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 as relates to sections 28ZP, 28ZQ, 28ZU, and 28ZV of the principal Act.

(5) The following orders are hereby revoked:

(a) The Fisheries Amendment Act (Transitional Levies) Order 1995:

(b) The Fisheries Amendment Act (Transitional Levies) Order (No. 2) 1995.

10. Expiry of section 28ZZG of principal Act---Section 28ZZG of the principal Act (as inserted by section 13 of the Fisheries Amendment Act (No. 2) 1992) shall expire with the close of a date to be appointed by the Governor-General by Order in Council and shall, as from the close of that date, be deemed to have been repealed.

11. Validation of non-registration of paua trades---(1) The refusal or failure by the responsible chief executive, at any time during the period commencing on the 16th day of September 1995 and ending with the close of the 30th day of September 1995, to register any transfer or lease of any individual transferable quota for paua is hereby declared to be, and always to have been, lawful.

(2) Notwithstanding anything in the principal Act or any other enactment or rule of law, every transfer or lease of any individual transferable quota for paua in the area known as PAU 5 that was entered into or commences during the period commencing on the 16th day of September 1995 and ending with the close of the 30th day of September 1995 is hereby declared to have, and always to have had, no effect.

12. Compensation not available for effects of subdivision, etc., of paua quota management area, etc.---Nothing effected by or under sections 28BB to 28BD of the principal Act (as inserted by section 3 of this Act) or any other provision of this Act---

(a) Shall be regarded as placing the Crown or any other person in breach of, or default under, any contract or other arrangement relating to quota, or as otherwise making them guilty of a civil wrong:

(b) Subject to section 11 (2) of this Act, shall invalidate any contract or other arrangement in relation to quota, or shall be regarded as giving rise to a right to terminate or cancel any such contract or other arrangement, except to the extent that specific provision to the contrary is made in the relevant contract or other arrangement:

(c) Shall be regarded as making the Crown or any other person liable for damages or compensation, whether arising directly or indirectly from anything effected by or under this Act.

13. References to PAU 5 substituted---(1) Every reference in any enactment or document to any waters within the quota management area known as PAU 5 - South-East/Southland (Otago and Southland Coast) and defined, immediately before the commencement of this Act, in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986 shall hereafter be read as a reference to the corresponding waters in PAU 5A or PAU 5B or PAU 5D, as the case may require.

(2) Every reference in any enactment or document to the fishstock identified by the code PAU 5 and having effect immediately before the commencement of this Act shall hereafter be read as a reference to the corresponding fishstock identified by the code PAU 5A or PAU 5B or PAU 5D, as the case may require.

SCHEDULES

FIRST SCHEDULE

Section 6

NEW SCHEDULE 1DA INSERTED IN PRINCIPAL ACT

"SCHEDULE 1DA

Sections 28BB (1), 28BC (1)

Paua Quota Management Areas and Related Total Allowable Commercial Catches

PART I Quota Management Areas Defined PAU 5A or Quota Management Area PAU 5A - Fiordland

All New Zealand fisheries waters within the Southland Fishery Management Area enclosed by a line commencing at Awarua Point on the west coast of the South Island at 44deg. 16'S and 168deg. 03'E and proceeding due west to the outer boundary of the exclusive economic zone at a point at 44deg. 16'S and 162deg. 13'E; then proceeding in a generally southerly direction to a point at 49deg. 00'S and 161deg. 28'E; then proceeding due east to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the western bank of the Waiau River at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally westerly and northerly direction along the mean high water mark to the point of commencement.

PAU 5B or Quota Management Area PAU 5B - Stewart Island

All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.0'E; then proceeding in a generally south-easterly direction to a point on the boundary of the South-East Fishery Management Area at 47deg. 41.8'S and 172deg. 09.5'E and generally proceeding in a straight line to the point on the outer boundary of the Southland Fishery Management Area at 49deg. 00'S and 169deg. 00'E; then proceeding due west to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the point of commencement.

PAU 5D or Quota Management Area PAU 5D - Southland and Otago

All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at the Waitaki River south head aero beacon at 44deg. 56.3'S and 171deg. 08'E and proceeding in a straight line to the South-East Fishery Management Area to a point at 46deg. 55.1'S and 173deg. 57.00'E; then proceeding in a south-westerly direction to a point at 47deg. 41.8'S and 172deg. 09.5'E; then proceeding in a north-westerly direction to a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.00'E; then proceeding in a straight line to the western bank of the Waiau River mouth at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally easterly and northerly direction along the mean high water mark to the point of commencement.

PART II

Total Allowable Commercial Catches for Paua

Quota management area PAU 5A – Fiordland	147.66 tonnes
Quota management area PAU 5B - Stewart Island	147.66 tonnes

Quota management area PAU 5D - Southland and Otago 147.66 tonnes".

SECOND SCHEDULE

Section 8 (1)

Further Amendments to Principal Act

Provision Amended	Amendment
Section 28D	By adding the following subsections: "(3) When setting or recommending any total allowable commercial catch under section 28C of this Act for scallops in the Southern Scallop Fishery or recommending under section 28OB of this Act any variation to a total allowable commercial catch for such scallops, the Minister shall have regard to the maximum economic yield of that fishery and the provisions of subsections (1) and (2) of this section do not apply in any such case. "(4) Subsection (3) of this section does not apply to a variation made or recommended under section 28J of this Act."
Section 28OF (1)	By repealing subparagraph (ii) of paragraph (b) of the definition of the term "compensation balance" (as enacted by section 15 of the Fisheries Amendment Act 1990 and amended by section 8 (4) of the Fisheries Amendment Act 1994), and substituting the following subparagraph: "(ii) The amount referred to in section 28OJ (1) (b) of this Act; and"
Section 28OJ (1)	By repealing paragraph (b) (as enacted by section 8 (4) of the Fisheries Amendment Act 1994), and substituting the following paragraph: "(b) The sum of \$317,586 (which sum shall be paid by the New Zealand Fishing Industry Association Incorporated to the Crown); and"
Section 28ZM	By repealing subsection (4) (as enacted by section 13 of the Fisheries Amendment Act (No. 2) 1992).
Section 28ZZD (2)	By repealing paragraph (a) (as so enacted), and substituting the following paragraph: "(a) The variation of the total allowable commercial catch under section 28D of this Act:" By repealing paragraph (c) (as so enacted). By omitting from paragraph (i) (as so enacted) the words ", or the giving of any notice under section 28ZZF (2) of this Act," and also the words "or applies".
Section 28ZZE	By omitting from paragraph (a) (as so enacted) the words "within 5 years and to maintain that yield thereafter". By omitting from paragraph (d) (as so enacted) the words "and have effect for a period of 5 years".
Section 28ZZF	By repealing subsection (1) (as so enacted). By omitting from subsection (3) (as so enacted) the expression "subsection (1) or".
Section 28ZZG	By repealing subsections (4) to (8) (as so enacted).
	By repealing subsections (3) (d) and (4) (as so enacted).

THIRD SCHEDULE

Consequential Amendments to Fisheries Regulations

Title	Amendment
The Fisheries (South-East Area Commercial Fishing) Regulations 1986 (S.R. 1986/219)	<p>By inserting in regulation 2 (1) (as substituted by regulation 2 (1) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8), after the definition of the term "eel", the following definition:</p> <p>" `Fishing trip' means any period, during which fish are taken aboard or transferred to a vessel, that---</p> <p>"(a) Commences when the vessel---</p> <p>"(i) Leaves any place at which that vessel is moored or berthed or launched; or</p> <p>"(ii) Enters the exclusive economic zone through the seaward boundary; and</p> <p>"(b) Ends when the vessel---</p> <p>"(i) Returns from sea to a place at which the permit holder using the vessel is permitted to land fish and any fish are removed from the vessel or the vessel with the fish on board is removed from the water; or</p> <p>"(ii) Having been granted permission under section 101 of the Act, leaves the exclusive economic zone by its seaward boundary;--- and in relation to any permit holder during the period when the permit holder is not using or does not have the use of a vessel, or operates otherwise than from a vessel, means any period that commences when the permit holder begins to take fish under a permit and ends when the permit holder returns to a point of landing:".</p> <p>By inserting, after regulation 10, the following regulations:</p> <p>"10A. Restrictions on fishing in paua quota management areas---</p> <p>(1) No commercial fisherman shall take paua from more than one of the following quota management areas during the course of any fishing trip:</p> <p>"(a) Quota management area PAU 5A - Fiordland: All New Zealand fisheries waters within the Southland Fishery Management Area enclosed by a line commencing at Awarua Point on the west coast of the South Island at 44deg. 16'S and 168deg. 03'E and proceeding due west to the outer boundary of the exclusive economic zone at a point at 44deg. 16'S and 162deg. 13'E; then proceeding in a generally southerly direction to a point at 49deg. 00'S and 161deg. 28'E; then proceeding due east to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the western bank of the Waiau River at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally westerly and northerly direction along the mean high water mark to the point of commencement:</p> <p>"(b) Quota management area PAU 5B - Stewart Island: All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.0'E; then proceeding in a generally south-easterly direction to a point on the boundary of the</p>

South-East Fishery Management Area at 47deg. 41.8'S and 172deg. 09.5'E and generally proceeding in a straight line to the point on the outer boundary of the Southland Fishery Management Area at 49deg. 00'S and 169deg. 00'E; then proceeding due west to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the point of commencement:

"(c) Quota management area PAU 5D -

Southland and Otago: All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at the Waitaki River south head aero beacon at 44deg. 56.3'S and 171deg. 08'E and proceeding in a straight line to the South-East Fishery Management Area to a point at 46deg. 55.1'S and 173deg. 57.00'E; then proceeding in a south-westerly direction to a point at 47deg. 41.8'S and 172deg. 09.5'E; then proceeding in a north-westerly direction to a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.00'E; then proceeding in a straight line to the western bank of the Waiau River mouth at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally easterly and northerly direction along the mean high water mark to the point of commencement.

"(2) No commercial fisherman shall be in possession of paua taken in contravention of subclause (1) of this regulation.

"10B. Labelling of containers for paua taken in any PAU 5 quota management area---(1) Every master of a fishing vessel shall ensure that all paua---

"(a) Taken from the waters of any quota management area referred to in regulation 10A of these regulations; and

"(b) Either---

"(i) Held on board the vessel; or

"(ii) Landed from the vessel; or

"(iii) Transferred from the vessel to any other vessel---

are held in a container that bears a label that complies with subclause (2) of this regulation.

"(2) The label shall clearly and legibly state---

"(a) The name and registered number of the vessel from which the paua were taken; and

"(b) The date on which the paua were taken; and

"(c) The quota management area from which the paua were taken; and

"(d) The signature of the master of the vessel from which the paua were taken.

"10C. Marking of blue cod pots and fish holding pots ---

(1) No commercial fisherman shall use for fishing or have on board any fishing vessel any fishing gear or any blue cod pot that does not have securely attached to it a surface float that is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried.

"(2) No commercial fisherman shall use, or have on board any fishing vessel, any pot, bag, or container capable of being used to hold or store fish at sea unless the pot, bag, or container has its own surface buoy or float, and each surface buoy or float is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried."

By inserting in regulation 12 (1), after the expression "4 to 8A" (as substituted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 16), the expression ", or regulations 10A to 10C".

and Sub-Antarctic
Areas Commercial
Fishing) Regulations
1986 (S.R. 1986/220)

of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11), after the definition of the term "eel", the following definition:

" 'Fishing trip' means any period, during which fish are taken aboard or transferred to a vessel, that---

"(a) Commences when the vessel---

"(i) Leaves any place at which that vessel is moored or berthed or launched; or

"(ii) Enters the exclusive economic zone through the seaward boundary; and

"(b) Ends when the vessel---

"(i) Returns from the sea to a place at which the permit holder using the vessel is permitted to land fish and any fish are removed from the vessel or the vessel with the fish on board is removed from the water; or

"(ii) Having been granted permission under section 101 of the Act, leaves the exclusive economic zone by its seaward boundary;--- and in relation to any permit holder during the period when the permit holder is not using or does not have the use of a vessel, or operates otherwise than from a vessel, means any period that commences when the permit holder begins to take fish under a permit and ends when the permit holder returns to a point of landing:".

By inserting, after regulation 3C (as inserted by regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 17), the following regulations:

"3D. Restrictions on fishing in paua quota management areas---(1) No commercial fisherman shall take paua from more than one of the following quota management areas during the course of any fishing trip:

"(a) Quota management area PAU 5A - Fiordland: All New Zealand fisheries waters within the Southland Fishery Management Area enclosed by a line commencing at Awarua Point on the west coast of the South Island at 44deg. 16'S and 168deg. 03'E and proceeding due west to the outer boundary of the exclusive economic zone at a point at 44deg. 16'S and 162deg. 13'E; then proceeding in a generally southerly direction to a point at 49deg. 00'S and 161deg. 28'E; then proceeding due east to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a general north-easterly direction to the western bank of the Waiiau River at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally westerly and northerly direction along the mean high water mark to the point of commencement:

"(b) Quota management area PAU 5B - Stewart Island: All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at a point in Foveaux Strait at 46deg. 25.7'S and 167deg.29.0'E; then proceeding in a generally south-easterly direction to a point on the boundary of the South-East Fishery Management Area at 47deg. 41.8'S and 172deg. 09.5'E and generally proceeding in a straight line to the point on the outer boundary of the Southland Fishery Management Area at 49deg. 00'S and 169deg. 00'E; then proceeding due west to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the point of commencement:

"(c) Quota management area PAU 5D - Southland and Otago: All New Zealand fisheries waters within the South-East and Southland Fishery

Management Areas enclosed by a line commencing at the Waitaki River south head aere beacon at 44deg. 56.3'S and 171deg. 08'E and proceeding in a straight line to the South-East Fishery Management Area to a point at 46deg. 55.1'S and 173deg. 57.00'E; then proceeding in a south-westerly direction to a point at 47deg. 41.8'S and 172deg. 09.5'E; then proceeding in a north-westerly direction to a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.00'E; then proceeding in a straight line to the western bank of the Waiau River mouth at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally easterly and northerly direction along the mean high water mark to the point of commencement.

"(2) No commercial fisherman shall be in possession of paua taken in contravention of subclause (1) of this regulation.

"3E. Labelling of containers for paua taken in any PAU 5 quota management area---(1) Every master of a fishing vessel shall ensure that all paua---

"(a) Taken from the waters of any quota management area referred to in regulation 3D of these regulations; and

"(b) Either---

"(i) Held on board the vessel; or

"(ii) Landed from the vessel; or

"(iii) Transferred from the vessel to any other vessel---

are held in a container that complies with subclause (2) of this regulation.

"(2) The label shall clearly and legibly state---

"(a) The name and registered number of the vessel from which the paua were taken; and

"(b) The date on which the paua were taken; and

"(c) The quota management area from which the paua were taken; and

"(d) The signature of the master of the vessel from which the paua were taken.

"3F. Marking of blue cod pots and fish holding pots---(1) No commercial fisherman shall use for fishing or have on board any fishing vessel and fishing gear or any blue cod pot that does not have securely attached to it a surface float that is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried.

"(2) No commercial fisherman shall use, or have on board any fishing vessel, any pot, bag, or container capable of being used to hold or store fish at sea unless the pot, bag, or container has its own surface buoy or float, and each surface buoy or float is clearly, permanently, and legibly marked with the registered number of the vessel from which it is to be set or is being carried."

By inserting in regulation 16 (1) (as substituted by regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 9 and as amended by regulation 8 (1) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 11), after the expression "3," the expression "3D, 3E, 3F,"

The Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986

By omitting from the First Schedule paragraph E of the item relating to paua (as substituted by clause 6 of the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986, Amendment No. 10), and substituting the following paragraph:

(S.R. 1986/267)	"E. Fiordland	PAU 5A 147.66
	Stewart Island	PAU 5B 147.66
	Southland and Otago	PAU 5D 147.66".

By omitting so much of the Second Schedule as relates to quota management area PAU 5 - South-East/Southland (Otago and Southland Coast), and substituting the following items:

"PAU 5A or Quota Management Area PAU 5A - Fiordland
All New Zealand fisheries waters within the Southland Fishery Management Area enclosed by a line commencing at Awarua Point on the west coast of the South Island at 44deg. 16'S and 168deg. 03'E and proceeding due west to the outer boundary of the exclusive economic zone at a point at 44deg. 16'S and 162deg. 13'E; then proceeding in a generally southerly direction to a point at 49deg. 00'S and 161deg. 28'E; then proceeding due east to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the western bank of the Waiau River at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally westerly and northerly direction along the mean high water mark to the point of commencement.

"PAU 5B or Quota Management Area PAU 5B - Stewart Island
All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.0'E; then proceeding in a generally south-easterly direction to a point on the boundary of the South-East Fishery Management area at 47deg. 41.8'S and 172deg. 09.5'E and generally proceeding in a straight line to the point on the outer boundary of the Southland Fishery Management Area at 49deg. 00'S and 169deg. 00'E; then proceeding due west to a point at 49deg. 00'S and 166deg. 05'E; then proceeding in a generally north-easterly direction to the point of commencement.

"PAU 5D or Quota Management Area
PAU 5D - Southland and Otago
All New Zealand fisheries waters within the South-East and Southland Fishery Management Areas enclosed by a line commencing at the Waitaki River south head aero beacon at 44deg. 56.3'S and 171deg. 08'E and proceeding in a straight line to the South-East Fishery Management Area to a point at 46deg. 55.1'S and 173deg. 57.00'E; then proceeding in a south-westerly direction to a point at 47deg. 41.8'S and 172deg. 09.5'E; then proceeding in a north-westerly direction to a point in Foveaux Strait at 46deg. 25.7'S and 167deg. 29.00'E; then proceeding in a straight line to the western bank of the Waiau River mouth at 46deg. 11.6'S and 167deg. 36.85'E; then proceeding in a generally easterly and northerly direction along the mean high water mark to the point of commencement."

The Fisheries (Reporting)
Regulations 1990 (S.R.
1990/214)

By inserting in regulation 20 (3), after paragraph (e), the following paragraph: '(ea) Paua taken in PAU 5A or PAU 5B or PAU 5D:'.

By omitting from Table 1 in Part I of the Second Schedule, opposite the item relating to paua, the expressions "5" (in the third column) and "PAU 5" (in the fourth column), and substituting in the third and fourth columns, respectively, the following items:

"5A PAU 5A
"5B PAU 5B
"5D PAU 5D".

By omitting from Table 5 in Part I of the Second Schedule the item relating to the South-East/Southland (Otago and Southland Coast), and substituting the following items:

"Fiordland PAU 5A 5A
"Stewart Island PAU 5B 5B
"Southland and Otago PAU 5D 5D".

The Fisheries (Quota

By revoking clause 6.

Management Areas, |
Total Allowable |
Catches, and Catch |
Histories) Notice |
1986, Amendment No. 10 |
(S.R. 1992/252) |



This Act is administered in the Ministry of Fisheries.