

Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 19th day of December 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

- 1 Title
- 2 Commencement
- 3 Daily allowance for dredge oysters or scallops when diving if safety person on board vessel
- 4 Fish taken for hui, tangi, or other approved purpose
- 5 New regulation 27A inserted
27A Regulations do not apply to fish, aquatic life, or seaweed taken under authorisation for hui or tangi
- 6 Offences and penalties
- 7 New Schedule added

Schedule New Schedule added

Regulations

1 Title

(1) These regulations are the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005.

(2) In these regulations, the Fisheries (Amateur Fishing) Regulations 1986 SR 1986/221 are called "the principal regulations".

2 Commencement

These regulations come into force on 1 March 2006.

3 Daily allowance for dredge oysters or scallops when diving if safety person on board vessel

(1) Regulation 19A(1) of the principal regulations is amended by omitting the words "Fisheries Act 1996", and substituting the word "Act".

(2) Regulation 19A(4)(b) of the principal regulations is amended by omitting the words "Fisheries Act 1996", and substituting the word "Act".

4 Fish taken for hui, tangi, or other approved purpose

(1) The heading to regulation 27 of the principal regulations is amended by omitting the words "hui, tangi, or other approved purpose", and substituting the words "approved traditional non-commercial fishing use".

(2) Regulation 27(1)(a) of the principal regulations is amended by omitting the words "hui, tangi, or traditional non-commercial fishing use", and substituting the words "traditional non-commercial fishing use (except a hui or tangi)".

(3) Regulation 27(2) of the principal regulations is amended by omitting the words "hui, tangi, or traditional non-commercial fishing use", and substituting the words "traditional non-commercial fishing use (except a hui or tangi)".

5 New regulation 27A inserted

The principal regulations are amended by inserting, after regulation 27, the following regulation:

"27A Regulations do not apply to fish, aquatic life, or seaweed taken under authorisation for hui or tangi

"(1) These regulations (and any other regulations made under the Act that relate to amateur fishing and impose restrictions on the taking of fish, aquatic life, or seaweed) do not apply if the fish, aquatic life, or seaweed is taken---

"(a) for the purposes of a hui or tangi; and

"(b) in accordance with an authorisation granted by a person or organisation specified in subclause (2); and

"(c) in accordance with any conditions notified in the Gazette that are

considered by the chief executive to be necessary for the overall conservation and management of the fishery.

"(2) The persons and organisations are---

"(a) a marae committee, whether incorporated or not, established for the purpose of managing or operating a marae:

"(b) a Maori Committee constituted by or under the Maori Community Development Act 1962:

"(c) a runanga, whether incorporated or not:

"(d) a Maori Trust Board within the meaning of the Maori Trust Boards Act 1955.

"(3) An authorisation issued by a person or organisation specified in subclause (2)---

"(a) must be in the form set out in the Schedule; and

"(b) must state the conditions (if any) relating to the taking of the fish, aquatic life, or seaweed; and

"(c) may be issued only by an individual who is an authorised representative of the person or organisation; and

"(d) may not be issued by an authorised representative unless the authorised representative's name and contact details have been notified to the nearest office of the Ministry of Fisheries.

"(4) An authorised representative may not issue an authorisation---

"(a) unless the person or organisation for whom he or she is the authorised representative represents the tangata whenua of the area to which the authorisation relates; and

"(b) if a Tangata Kaitiaki/Tiaki or Tangata Tiaki/Kaitiaki has been appointed under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1999, for the area to which the authorisation relates; and

"(c) unless satisfied that the fish, aquatic life, or seaweed to be taken under the authorisation will be taken for a purpose that is neither commercial in any way nor for pecuniary gain or trade.

"(5) An authorised representative who issues an authorisation must---

"(a) give the authorisation a unique sequential number; and

"(b) record on the authorisation the date and time the fish, aquatic life, or seaweed is to be taken; and

"(c) complete all parts of the authorisation except to the extent that the authorisation expressly provides otherwise; and

"(d) keep a copy of the authorisation and produce the copy to a fishery officer if required to do so.

"(6) An authorisation issued by an authorised representative expires at the end of 48 hours after the date and time recorded on it under subclause (5)(b).

"(7) A person contravenes this subclause if---

"(a) the person is not an authorised representative and purports to issue an authorisation as if he or she were an authorised representative; or

"(b) the person is an authorised person and---

"(i) issues an authorisation in breach of subclauses (3), (4), or (6); or

"(ii) fails to comply with subclause (5)."

6 Offences and penalties

Regulation 29(1) of the principal regulations is amended by omitting the expression "or 26", and substituting the expression "26, or 27A(7)".

7 New Schedule added

The principal regulations are amended by adding the Schedule set out in the Schedule of these regulations.

Schedule r 7
New Schedule added

Schedule r 27A(3)
Form for authorisation to take fish, aquatic life, or seaweed

Form
Authorisation to take fish, aquatic life, or seaweed for hui or tangi

Regulation 27A, Fisheries (Amateur Fishing) Regulations 1986

*Authorisation No:.....

This authorisation is issued to (name of holder):

Address (of holder):

Signature of authorisation holder:

Phone No:

Associated harvesters (name of all harvesters):

.....

Purpose: +Hui/Tangi

Reason for hui:

To be used at [address of venue] on [date].

Contact No:

Authorised harvest and conditions

Species	Maximum quantity (number or greenweight)	Area from which species is to be taken	Place at which species is to be landed	Actual quantity taken (number or greenweight)
.....
.....
.....
.....

Optional conditions for authorised representative to complete

Size limit for each species:

Fishing method for each species:

Actual quantity taken to be notified to authorised representative:
+Yes/No

Note

The above harvester(s) is/are authorised to take quantities of fish or aquatic life, or seaweed as approved in this authorisation, provided that they are only taken from the area and for the purpose specified. This authorisation is not transferable. It must be carried at all times and be shown to any fishery officer on request. This authorisation is only valid for a 48-hour period, beginning from the date and time specified.

Authorised by [print name of authorised representative] on behalf of +marae committee/Maori Committee/runanga/Maori Trust Board.

Address: Phone No:

Signature: Date signed:

Authorisation valid from [date], [time].

* Surface floats, buoys, or tags must be clearly marked with this authorisation number.

+ Circle whichever is applicable.

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in Gazette: 22 December 2005.

These regulations are administered in the Ministry of Fisheries.