



Fisheries (Schedules 5A and 6) Order 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 3rd day of December 2012

Present:

His Excellency the Governor-General in Council

Pursuant to sections 67B and 72(7) of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries after complying with the requirements of section 67B(3) of that Act, makes the following order.

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Order

- 1 Title**
This order is the Fisheries (Schedules 5A and 6) Order 2012.
- 2 Commencement**
- (1) Clause 3 of this order comes into force on 1 October 2013.
 - (2) The rest of this order comes into force on 3 January 2013.
- 3 Schedule 5A of Fisheries Act 1996 amended**
In Schedule 5A of the Fisheries Act 1996, repeal the item relating to STN1.
- 4 Schedule 6 of Fisheries Act 1996 amended**
In Schedule 6 of the Fisheries Act 1996, insert in its appropriate alphabetical order the item set out in the Schedule of these regulations.

Schedule

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New item inserted in Schedule 6 of Fisheries Act 1996

Stock	Area	Requirements
School shark (<i>Galeorhinus galeus</i>)	All New Zealand fisheries waters	A commercial fisher may return any school shark to the waters from which it was taken if— <ol style="list-style-type: none"> (a) the school shark is likely to survive on return; and (b) the return takes place as soon as practicable after the school shark is taken.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

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

This order amends Schedules 5A and 6 of the Fisheries Act 1996 (the **Act**).

Clause 3, which comes into force on 1 October 2013, deletes a reference to southern bluefin tuna stock from Schedule 5A of the Act. This has the effect of allowing a person who holds an annual catch entitlement (**ACE**) to carry forward up to 10% of their unused ACE for southern bluefin tuna for the first fishing year to the second fishing year as provided for in section 67A(2) of the Act.

Clause 4 and the *Schedule*, which come into force on 3 January 2013, insert a reference to school sharks into Schedule 6 of the Act. This has the effect of permitting commercial fishers to return school sharks to the water in specified circumstances.

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

Date of notification in *Gazette*: 6 December 2012.

This order is administered by the Ministry for Primary Industries.
