



**THE FISHERIES (1986-87 COMMERCIAL QUOTAS)
REGULATIONS 1986**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of September 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (1986-87 Commercial Quotas) Regulations 1986.

(2) These regulations shall come into force on the 1st day of October 1986.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Central West Area” means that part of the Central Fishery Management Area (as defined in a notice published in the *Gazette* of 1986 at page 412) lying north of a line commencing at a point at 41°06′S and 174°50′E on the North Island west coast; then proceeding due west to the boundary of the Central Fishery Management Area:

“Challenger Area” means the Challenger Fishery Management Area as defined in a notice published in the *Gazette* of 1986 at page 412:

“Jack mackerel” means the fish of which the scientific name is *Trachurus novaezelandiae* or *Trachurus declivis*:

“Jigging” means any type of fishing method for taking squid using a line:

“Southern bluefin tuna” means the fish of which the scientific name is *Thunnus maccoyi*:

“Southern Islands Area” means all those parts of New Zealand fisheries waters—

(a) Enclosed by a line commencing at a point 49°30′S and 165°E; then proceeding due east to a point 49°30′S and 168°E; then proceeding due south to a point 51°30′S and 168°E; then proceeding due west to a point 51°30′S and 165°E; then proceeding due north to the point of commencement; and

(b) Enclosed by a line commencing at a point 51°30′S and 168°E; then proceeding due east to a point 51°30′S and 171°E; then proceeding due south to a point 53°30′S and 171°E; then proceeding due west to a point 53°30′S and 168°E; then proceeding due north to the point of commencement:

“Squid” means—

(a) The shellfish, commonly known as arrow squid, which has the scientific name *Nototodarus* sp; and

(b) The shellfish, commonly known as broad squid, which has the scientific name *Sepioteuthis bilineata*:

“Trawl net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—

but does not include a Danish seine net:

“Trawling” means the use of a trawl net.

3. Application—These regulations shall apply in respect of the fishing year that commences with the 1st day of October 1986, and shall not apply in respect of any other year.

4. Quotas imposed—There are hereby imposed quotas on the taking of certain species or classes of fish by commercial fishermen using New

Zealand fishing vessels, and in the case of squid using specified methods, in New Zealand fisheries waters or specified areas of New Zealand fisheries waters, as set out in the following table:

<i>Species or class of fish</i>	<i>Area</i>	<i>Quota (Greenweight Tonnes)</i>
Jack mackerel	Challenger and Central West Areas combined	15 210
Southern bluefin tuna	Challenger Area	1 000
Squid taken only by jigging	All New Zealand fisheries waters except Southern Islands Area	19 600
Squid taken by any method whatsoever	All New Zealand fisheries waters except Southern Islands Area	20 640
Squid taken only by trawling	Southern Islands Area	17 200

5. Allocation of quota by notice—(1) The Minister may, by notice in the *Gazette*, allocate the quotas prescribed under these regulations to such commercial fisherman or fishermen as the Minister may specify in that notice.

(2) Subject to regulation 6 of these regulations, where any quota to take any species or class of fish by any specified method or by any method whatsoever is not fully allocated by notice under subclause (1) of this regulation, the remaining quota may be taken by any commercial fisherman who has not received any allocation of that quota.

(3) Where any quota is not fully allocated, no commercial fisherman who is allocated any of that quota may take any fish under the unallocated portion of that quota.

(4) Nothing in subclause (3) of this regulation shall apply in respect of any quota for taking squid only by jigging where the commercial fisherman taking the squid under the unallocated portion of the quota does so using a vessel that is not a foreign owned New Zealand fishing vessel.

6. Restrictions on taking of squid under quotas—(1) No commercial fisherman shall use any foreign owned New Zealand fishing vessel to take any squid under any unallocated quota.

(2) No commercial fisherman who is allocated any quota to take squid only by jigging or only by trawling shall take squid by any method under any unallocated quota for the taking of squid by any method whatsoever.

7. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who—

- (a) Takes any fish from any area when the quota imposed under these regulations for that species or class of fish in that area has been filled; or
- (b) Takes any fish in excess of any quota allocated to that person under any notice made pursuant to these regulations; or
- (c) Takes any fish for which quotas have been allocated under any such notice unless the person is authorised by that notice or otherwise to take that fish; or

(d) Takes any squid in breach of any restriction or prohibition imposed by regulation 5 (3) or regulation 6 of these regulations.

(2) It shall be a defence to any proceedings for the offence specified in subclause (1) (a) of this regulation if the Court is satisfied that the defendant did not know and could not reasonably be expected to know that the quota had been filled.

(3) No person commits the offences specified in paragraph (b) or paragraph (c) or paragraph (d) of subclause (1) of this regulation if the fish are taken before the appropriate notice is made pursuant to these regulations, notwithstanding that the taking of the fish would be unlawful if the notice had been made before the 1st day of October 1986.

8. Revocations—The following regulations are hereby revoked:

- (a) The Fisheries (1985-86 Commercial Quotas and Restrictions) Regulations 1986 (S.R. 1986/97);
- (b) The Fisheries (1985-86 Commercial Quotas and Restrictions) Regulations 1986, Amendment No. 1 (S.R. 1986/143).

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which apply in respect of the fishing year that commences on 1 October 1986, set quotas of jack mackerel, southern bluefin tuna, and squid that may be taken by commercial fishermen from specified areas of New Zealand fisheries waters. The allocation of the quotas to particular commercial fishermen is a matter to be dealt with by Ministerial notice.

Controls are imposed in relation to the type of vessels that may be used to take squid under allocated and unallocated quotas. Fishermen who hold quota to take squid only by jigging or only by trawling are not permitted to take squid by any method under unallocated quota for unrestricted methods.

In previous years similar regulations have applied in respect of a large number of species, but these are now to be dealt with under the individual transferable quota system.

Other controls formerly in similar regulations are being incorporated in the commercial fishing regulations for the appropriate fishery management areas.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 September 1986.

These regulations are administered in the Ministry of Agriculture and Fisheries.