



**THE FISHERIES (1993-94 SOUTHERN BLUEFIN TUNA QUOTA)
REGULATIONS 1994**

THOMAS EICHELBAUM, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 26th day of April 1994

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the
Administrator of the Government, acting by and with the advice and
consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (1993-94 Southern Bluefin Tuna Quota) Regulations 1994.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

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

“Commercial fisherman” means any person who has a fishing permit issued under section 63 of the Fisheries Act 1983 entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—

(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and

(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:

“Dealer in fish” means a person who is engaged in acquiring fish for the purposes of sale; but does not include—

- (a) A licensed fish receiver; or
- (b) A commercial fisherman; or
- (c) A person who—
 - (i) Acquires only fish that is in a cooked state, or in a frozen and pre-packaged state that is primarily suited for consumer sales; and
 - (ii) Does not further process the fish, or divide the fish for further packaging;

“New Zealand vessel” means—

- (a) A New Zealand fishing vessel;
- (b) A New Zealand ship within the meaning of section 2 (1) of the Shipping and Seamen Act 1952;
- (c) A ship registered in New Zealand under the Ship Registration Act 1992;
- (d) An aircraft registered in New Zealand under the Civil Aviation Act 1990;
- (e) Any vessel, aircraft, hovercraft, submersible craft, or other craft of whatever size, that is used for fishing, where one or more New Zealand citizens or bodies corporate established by or under the law of New Zealand own more than half of the shares in it or have the control or management of it:

“Southern bluefin tuna” means the fish with the scientific name *Thunnus maccoyi*; and includes the fish with the scientific name *Thunnus thynnus*.

3. Application—(1) These regulations apply only in respect of the fishing year commencing on the 1st day of October 1993.

(2) These regulations apply to—

- (a) The taking of southern bluefin tuna in New Zealand fisheries waters by any commercial fisherman; and
- (b) The taking of southern bluefin tuna in any waters beyond the outer limits of New Zealand fisheries waters, for the purposes of sale, by any New Zealand citizen or by any New Zealand vessel.

4. Quota for southern bluefin tuna imposed—A quota of 420 greenweight tonnes is hereby imposed on the taking of southern bluefin tuna.

5. Reporting and recording of catch taken outside New Zealand fisheries waters—Where southern bluefin tuna are taken in any waters beyond the outer limits of New Zealand fisheries waters, for the purposes of sale, by any New Zealand citizen or any New Zealand vessel,—

- (a) The New Zealand citizen or the master of the vessel, as the case may be; and
- (b) Every licensed fish receiver and every dealer in fish,—

shall make such records and returns as the Fisheries (Reporting) Regulations 1990* and the Fisheries (Recordkeeping) Regulations 1990† would require to be made if the fish were taken in New Zealand fisheries waters by a fishing permit holder, and those regulations shall apply accordingly with any necessary modifications.

6. Offences—(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who takes any southern bluefin tuna in New Zealand fisheries waters after the quota imposed by regulation 4 of these regulations has been filled.

(2) Every person (being a New Zealand citizen or the owner or master or a member of the crew of a New Zealand vessel) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who takes, for the purposes of sale, any southern bluefin tuna beyond the outer limits of New Zealand fisheries waters after the quota imposed by regulation 4 of these regulations has been filled.

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who contravenes or fails to comply with regulation 5 of these regulations.

(4) It is a defence to proceedings for an offence against subclause (1) or subclause (2) of this regulation if the Court is satisfied that the defendant did not know and could not reasonably be expected to have known that the quota had been filled.

7. Revocation—The Fisheries (1992-93 Southern Bluefin Tuna Quota) Regulations 1993 (S.R. 1993/66) are hereby consequentially revoked.

MARTIN BELL,
Acting for Clerk of the Executive Council.

*S.R. 1990/214
†S.R. 1990/219

EXPLANATORY NOTE

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

These regulations revoke and replace the Fisheries (1992-93 Southern Bluefin Tuna Quota) Regulations 1993 (S.R. 1993/66).

The regulations impose a quota of 420 greenweight tonnes on the taking of southern bluefin tuna, for the purposes of sale, during the 1993-94 fishing year. However, unlike the previous regulations, these regulations apply not only within New Zealand fisheries waters but also to New Zealand citizens and New Zealand vessels outside those waters. Where southern bluefin tuna are taken outside those waters by a New Zealand citizen or a New Zealand vessel, the catch must be reported in accordance with the Fisheries (Reporting) Regulations 1990 and recorded in accordance with the Fisheries (Recordkeeping) Regulations 1990.

The term "New Zealand vessel" is defined to include vessels that are under the control or management of one or more New Zealand citizens or corporate bodies established by or under New Zealand law.

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

Date of notification in *Gazette*: 28 April 1994.

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