



**THE FISHERIES (1995-96 JACK MACKEREL QUOTA)
REGULATIONS (NO. 2) 1995**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of September 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, Her 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 (1995-96 Jack Mackerel Quota) Regulations (No. 2) 1995.

(2) These regulations shall come into force on the 1st day of October 1995.

2. Interpretation—(1) In these regulations,—

“Jack mackerel” means the fish of which the scientific name is *Trachurus spp.*:

“Part Auckland (East), Central (East) Area”—

(a) Means all New Zealand fisheries waters enclosed by a line commencing at North Cape on the north coast of the North Island (at 34° 24'S and 173° 02.5'E), then proceeding due north to a point 30° 52.5'S and 173° 02.5'E on the outer boundary of the exclusive economic zone, then proceeding in a generally south-easterly direction along the outer boundary of the exclusive economic zone to its intersection with the 42° 10'S parallel of latitude, then proceeding due west along latitude 42° 10'S to a point 42° 10'S and 174° 42'E, then proceeding in a generally north-westerly direction to Brothers Island light at 41° 06'S and 174° 26'E, then proceeding in an easterly direction to a point 41° 06'S and 174° 50'E on the west coast of the North Island, then proceeding in generally southerly, easterly, northerly, and then westerly directions along the mean highwater mark to the point of commencement; and

(b) Includes all internal waters of the North Island—

(i) Lying north and north-west of a line drawn from Cape Runaway on the east coast of the North Island (at 37° 32'S and 177° 59.4'E) to Tirua Point on the west coast of the North Island (at 38° 23'S and 174° 38.5'E); or

(ii) Lying south and east of a line drawn from Cape Runaway on the east coast of the North Island (at 37° 32'S and 177° 59.4'E) to a point 41° 06'S and 174° 50'E on the west coast of the North Island:

“South-East, Southland, Sub-Antarctic Area”—

(a) Means all New Zealand fisheries waters within—

(i) The South-East Fishery Management Area; or

(ii) The Southland Fishery Management Area; or

(iii) The Sub-Antarctic Fishery Management Area; and

(b) Includes all internal waters of—

(i) The Chatham Islands; or

(ii) The South Island and Stewart Island lying east, south, and south-west of a line drawn from Clarence Point on the east coast of the South Island (at 42° 10'S and 173° 56'E) to Awarua Point on the west coast of the South Island (at 44° 16'S and 168° 03'E); or

(iii) The islands within the Sub-Antarctic Fishery Management Area.

(2) In these regulations, a reference to a named fishery management area is a reference to the area of that name as defined in the notice published in the *Gazette*, 1986 at page 412.

3. Application—These regulations apply only until the end of the fishing year commencing on the 1st day of October 1995.

4. Quotas imposed—Quotas are hereby imposed on the taking of jack mackerel by commercial fishermen in specified areas of New Zealand fisheries waters as set out in the following table:

<i>Area</i>	<i>Quota (Greenweight Tonnes)</i>
Part Auckland (East), Central (East) Area	... 10 000
South-East, Southland, Sub-Antarctic Area	... 18 000

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 fishermen as the Minister may specify in that notice.

(2) Where a quota for an area is not fully allocated under subclause (1) of this regulation, jack mackerel may be taken in the area by—

(a) Any commercial fisherman who has not received any allocation of the quota; or

(b) Any commercial fisherman who has filled the quota allocated to that fisherman,—

but not after the unallocated portion of the quota has been filled.

6. Offences—(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—

(a) Not having received any allocation of quota for an area under regulation 5 (1) of these regulations, takes jack mackerel in the area otherwise than as authorised by regulation 5 (2) of these regulations; or

(b) Having received an allocation of quota for an area under regulation 5 (1) of these regulations, takes jack mackerel in the area in excess of that allocation otherwise than as authorised by regulation 5 (2) of these regulations.

(2) It is a defence to proceedings for an offence against subclause (1) of this regulation in which it is alleged that the defendant took jack mackerel in an area after the unallocated portion of the quota for that area had been filled if the Court is satisfied that the defendant did not know and could not reasonably be expected to have known that the unallocated portion of the quota had been filled.

7. Revocation—The Fisheries (1995-96 Jack Mackerel Quota) Regulations 1995* are hereby consequentially revoked.

MARIE SHROFF,
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 set quotas for the taking of jack mackerel in 2 areas as follows:

- (a) The quota for the Part Auckland (East), Central (East) Area is 10 000 greenweight tonnes:
- (b) The quota for the South-East, Southland, Sub-Antarctic Area is 18 000 greenweight tonnes.

These quotas are the same as for the 1994-95 fishing year.

The definition of the Part Auckland (East), Central (East) Area has been altered. The Muriwhenua area has been incorporated into that Area.

Pursuant to the regulations, the Minister may, by notice in the *Gazette*, allocate the quotas to individual commercial fishermen.

The regulations come into force on 1 October 1995 and apply until the end of the fishing year commencing on that day.

These regulations replace the Fisheries (1995-96 Jack Mackerel Quota) Regulations 1995. Those regulations were intended to specify quotas that were the same as those for the 1994-95 fishing year. The quotas specified in those regulations should accordingly have been the quotas for the 1994-95 fishing year as increased in February 1995. Instead, and in error, the quotas specified in those regulations were the lower quotas that applied on 1 October 1994 (the first day of the 1994-95 fishing year).

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

Date of notification in *Gazette*: 21 September 1995.

These regulations are administered in the Ministry of Fisheries.