



Fisheries (Schedules 2, 5, 6, and 8) Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of February 2007

Present:

His Excellency the Governor-General in Council

Pursuant to sections 13(9), 59(7), 72(7), and 74(7) of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Fisheries (Schedules 2, 5, 6, and 8) Order 2007.

2 Commencement

- (1) Clause 6 comes into force on 1 October 2007.
- (2) The rest of this order comes into force on 1 April 2007.

3 Amendment to Schedule 2 of Fisheries Act 1996

The second column of the item relating to freshwater eel in Schedule 2 of the Fisheries Act 1996 is amended by omitting “ANG11 to ANG16” and substituting “ANG13”.

4 New items inserted in Schedule 5 of Fisheries Act 1996

Schedule 5 of the Fisheries Act 1996 is amended by inserting the items set out in Schedule 1 in their appropriate alphabetical order.

5 Amendments to Schedule 6 of Fisheries Act 1996

- (1) Schedule 6 of the Fisheries Act 1996 is amended by inserting the item set out in Schedule 2 in its appropriate alphabetical order.
- (2) The second column of the item relating to cockles (*Austrovenus stutchburyi*) in Schedule 6 of the Fisheries Act 1996 is amended by omitting “the Otago cockle fishery (COC3) and”.

6 Amendment to Schedule 8 of Fisheries Act 1996

The second column of the item relating to PAU6 in Schedule 8 of the Fisheries Act 1996 is amended by omitting “1” and substituting “0.1”.

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Schedule 1
New items inserted in Schedule 5 of Fisheries
Act 1996

Anchovy (*Engraulis australis*)
Blue (English) mackerel (*Scomber australasicus*)
Cardinalfish (*Epigonus telescopus*)
Deepwater clam (*Panopea zelandica*)
Deepwater tuatua (*Paphies donacina*)
Frimled venus shell (*Bassina yatei*)
Frostfish (*Lepidopus caudatus*)
Ghost shark (*Hydrolagus novaezelandiae*)
Giant spider crab (*Jacquinotia edwardsii*)
Horse mussel (*Atrina zelandica*)
King crab (*Lithodes murrayi*; *Neolithodes brodiei*)
Knobbed whelk (*Austrofuscus glans*)
Large trough shell (*Macra murchisoni*)
Lookdown dory (*Cyttus traversi*)
Pale ghost shark (*Hydrolagus bemisi*)
Pilchard (*Sardinops sagax*)
Queen scallop (*Zygochlamys delicatula*)
Red crab (*Chaceon bicolor*)
Ribaldo (*Mora moro*)
Ringed dosinia (*Dosinia anus*)
Rubyfish (*Plagiogeneion rubiginosum*)
Scampi (*Metanephrops challengerii*)
Silky dosinia (*Dosinia subrosea*)
Smooth skate (*Dipturus innominatus*)
Southern blue whiting (*Micromesistius australis*)
Sprat (*Sprattus antipodum*; *Sprattus muelleri*)
Triangle shell (*Spisula aequilatera*)
Trough shell (*Macra discors*)
White warehou (*Seriolella caerulea*)

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Schedule 2

New item inserted in Schedule 6 of Fisheries Act 1996

Stock	Area	Requirements
Surf clams (<i>Bassina yatei</i> , <i>Dosinia anus</i> , <i>Dosinia subrosea</i> , <i>Mactra discors</i> , <i>Mactra murchisoni</i> , <i>Paphies donacina</i> , <i>Spisula aequilatera</i>)	All New Zealand fisheries waters except fisheries management areas 6 and 10	A commercial fisher may return any surf clam to the waters from which it was taken if— (a) the surf clam is likely to survive on return; and (b) the return takes place as soon as practicable after the surf clam is taken.

Diane Morcom,
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 2, 5, 6, and 8 of the Fisheries Act 1996. Most of the amendments come into force on 1 April 2007, except for the amendment to Schedule 8, which comes into force on 1 October 2007.

Schedule 2 lists stocks whose abundance is highly variable. The Minister is allowed to increase the total allowable catch for any of those stocks within a fishing year. This order removes South Island freshwater eel stocks ANG11, ANG12, ANG14, ANG15, and ANG16 from Schedule 2. This means that the only South Island freshwater eel stock to be listed will be ANG13 (the Lake Ellesmere stock).

Quota aggregation of up to and including 45% is permitted for species listed in Schedule 5. Twenty-nine additional species are inserted into the schedule by this order.

Schedule 6 lists the species under the quota management system that, subject to certain conditions, may be returned to the sea. Surf clams and Otago cockles are now included provided that they are returned to the sea as soon as reasonably practicable and that they are likely to survive on their return.

Schedule 8 lists the minimum annual holdings of annual catch entitlement for particular stocks. The effect of the amendment to the schedule is to reduce the minimum annual holdings for PAU6 (the West Coast South Island paua fishery) from 1 tonne to 100 kilograms.

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

Date of notification in *Gazette*: 1 March 2007.

This order is administered by the Ministry of Fisheries.
