



**THE FISHERIES (CENTRAL AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 5**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of June 1993

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 (Central Area Commercial Fishing) Regulations 1986, Amendment No. 5, and shall be read together with and deemed part of the

Fisheries (Central Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 18th day of June 1993.

2. Interpretation—Regulation 2 (1) of the principal regulations (as substituted by regulation 2 (1) of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Gisborne Concession Area’ means the Gisborne Rock Lobster Fishery as defined on the Ministry of Agriculture and Fisheries Map No. 151 (file reference 20/1/5) held in the Head Office of the Ministry, and bounded—

“(a) By the mean high-water mark of that part of the shore of the North Island from East Cape Lighthouse (at 37° 41.4’S and 178° 32.8’E) to the Wairoa River entrance (at 39° 04.0’S and 177° 25.0’E); and

“(b) By a straight line from East Cape Lighthouse (at 37° 41.4’S and 178° 32.8’E) on a true compass bearing of 45°; and

“(c) By a straight line from the Wairoa River entrance (at 39° 04.0’S and 177° 25.0’E) on a true compass bearing of 160°:

“‘Gisborne concession pack’ means a container that—

“(a) Contains only whole spiny rock lobsters or whole spiny rock lobster tails; and

“(b) Is packed at a licensed concession fish packing house; and

“(c) Is inscribed with—

“(i) The words ‘Gisborne concession pack’; and

“(ii) The name of the licensed concession fish packing house at which it was packed; and

“(iii) The location of the licensed concession fish packing house; and

“(iv) The date on which the spiny rock lobsters or spiny rock lobster tails were packed; and

“(v) The net weight of the spiny rock lobsters or spiny rock lobster tails in the pack; and

“(d) Is sold with an unbroken seal fixed in accordance with the directions of a Fishery Officer; but

“(e) Does not exceed 25kg in net weight:

“‘Licensed concession fish packing house’ means a fish packing house specified by the Director-General by notice in the *Gazette*:

“‘Spiny rock lobster’ means the fish of the species *Jasus edwardsii* (commonly known as the spiny or red rock lobster); and includes any part thereof.”

3. New regulations substituted—The principal regulations are hereby amended by revoking regulation 14j (as inserted by regulation 2 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 4), and substituting the following regulations:

“14j. **Closed season for rock lobster**—(1) No commercial fisherman shall take any rock lobster from the waters of quota management area 3

*S.R. 1986/217

Amendment No. 1: S.R. 1986/252

Amendment No. 2: S.R. 1989/292

Amendment No. 3: S.R. 1991/165

Amendment No. 4: S.R. 1993/46

(as defined in the Third Schedule to the Maori Fisheries Act 1989), or be in possession of any rock lobster taken from those waters, or fish using any rock lobster pot in those waters, during the period—

“(a) In 1994 or 1995, commencing with the 1st day of May and ending with the 31st day of May (both days inclusive); or

“(b) Commencing with the 1st day of September 1993 and ending with the 31st day of January 1994 (both days inclusive); or

“(c) Commencing with the 1st day of September 1994 and ending with the 31st day of January 1995 (both days inclusive); or

“(d) Commencing with the 1st day of September 1995 and ending with the 31st day of January 1996 (both days inclusive).

“(2) Notwithstanding subclause (1) of this regulation, a commercial fisherman may possess any rock lobster taken from the waters of quota management area 3 (as so defined) during any period specified in that subclause, if the rock lobster was taken from those waters on a day to which that subclause does not apply.

“(3) No person shall sell or possess for sale or process rock lobster taken from the waters of quota management area 3 (as so defined) during any period specified in subclause (1) of this regulation.

“(4) Notwithstanding subclause (3) of this regulation, a person may sell or possess for sale or process any rock lobster taken from the waters of quota management area 3 (as so defined) in any period specified in subclause (1) of this regulation, if the rock lobster was taken from those waters on a day to which subclause (1) of this regulation does not apply.

“(5) No commercial fisherman shall take female spiny rock lobster from the waters of quota management area 3 (as so defined), or be in possession of female spiny rock lobster taken from those waters, during the period—

“(a) Commencing with the 18th day of June 1993 and ending with the 31st day of August 1993 (both days inclusive); or

“(b) In 1994 or 1995, commencing with the 1st day of June and ending with the 31st day of August (both days inclusive).

“(6) Notwithstanding subclause (5) of this regulation, a commercial fisherman may possess any female spiny rock lobster taken from the waters of quota management area 3 (as so defined) during any period specified in that subclause, if the female spiny rock lobster was taken from those waters—

“(a) Before the 18th day of June 1993; or

“(b) In 1994 or 1995, during the month of February, March, or April.

“(7) No person shall sell or possess for sale or process any female spiny rock lobster taken from the waters of quota management area 3 (as so defined) during the periods specified in subclause (5) of this regulation.

“(8) Notwithstanding subclause (7) of this regulation, a person may sell or possess for sale or process any female spiny rock lobster taken from the waters of quota management area 3 (as so defined) during any period specified in subclause (5) of this regulation, if the female spiny rock lobster was taken from those waters—

“(a) Before the 18th day of June 1993; or

“(b) In 1994 or 1995, during the month of February, March, or April.

“14k. **Concession relating to male spiny rock lobster—**

(1) Notwithstanding regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986, but subject to regulation 29 of those regulations, any person authorised under a quota to take spiny rock lobster from quota management area 3 (as defined in the Third Schedule to the Maori

Fisheries Act 1989) may take or be in possession of or sell to a licensed concession fish packing house an undersize male spiny rock lobster, if—

- “(a) The spiny rock lobster is taken from the Gisborne Concession Area during the period—
 - “(i) Commencing with the 18th day of June 1993 and ending with the 31st day of August 1993 (both days inclusive); or
 - “(ii) In 1994 or 1995, commencing with the 1st day of June and ending with the 31st day of August (both days inclusive); and
- “(b) The spiny rock lobster was, or (if on board a fishing vessel) is to be, landed at a point lying within the Gisborne Concession Area; and
- “(c) The spiny rock lobster is, or (if on board a fishing vessel) is to be, delivered and sold to a licensed concession fish packing house; and
- “(d) The width of the tail of the spiny rock lobster is not less than 52mm when measured in accordance with regulation 14L of these regulations.

“(2) Notwithstanding regulation 27 (2) of the Fisheries (Commercial Fishing) Regulations 1986, but subject to regulation 14M of these regulations, a licensed concession fish packing house may sell or possess or process a male spiny rock lobster, or male spiny rock lobster tail, taken in accordance with subclause (1) of this regulation.

“14L. **Method of measurement of male spiny rock lobster tail—**

(1) For the purposes of regulation 14K of these regulations, the width of the tail of a male spiny rock lobster shall be measured in accordance with regulation 28 of the Fisheries (Commercial Fishing) Regulations 1986, subject to the following modifications:

- “(a) References in that regulation to the expression ‘54’ (wherever it occurs) shall be read as if there were substituted for that expression (in each case) the expression ‘52’:
- “(b) Instead of measuring a male spiny rock lobster by means of the tail width measuring device referred to in that regulation, the rock lobster shall be measured by means of a tail width measuring device supplied by the Director-General and bearing a MAF mark and identifying number, and consisting of a handle with an attachment comprising one set of rigid calliper type arms. This set of calliper type arms has one arm that bears a raised L-shaped projection (hereinafter called the measuring bar), and a second arm that is marked with a line some 2mm away from and parallel to the projected edge of the central column of the device, and the expressions ‘52’ and ‘M’, and is inscribed with the words ‘CRA3 Gisborne Concession’.

“(2) The measurement of the tail width of a male spiny rock lobster by a tail width measuring device supplied by the Director-General and bearing an M.A.F. mark and an identifying number shall not be in accordance with subclause (1) of this regulation unless the device is referred to in a report that—

- “(a) Is issued by either the Measurement Standards Laboratory of New Zealand (as defined in the National Standards Regulations 1976) or an Inspector of Weights and Measures or accredited person (as defined in section 2 of the Weights and Measures Act 1987); and

“(b) Certifies the device as an accurate tail width measuring device.

“14M. **Processing and sale of Gisborne Concession Area male spiny rock lobster**—(1) Any person who sells or possesses or processes male spiny rock lobsters or male spiny rock lobster tails pursuant to the authority of regulation 14k of these regulations shall ensure that, except as otherwise authorised by these regulations,—

“(a) All tailing and processing of male spiny rock lobsters and processing of male spiny rock lobster tails is carried out in a licensed concession fish packing house; and

“(b) Male spiny rock lobsters and male spiny rock lobster tails are packed in a Gisborne concession pack; and

“(c) Male spiny rock lobsters and male spiny rock lobster tails are either exported directly from a licensed concession fish packing house or are delivered to an export transshipment point approved by the Director-General pursuant to subclause (2) of this regulation in accordance with the relevant terms and conditions of any such approval; and

“(d) Before removing male spiny rock lobsters or male spiny rock lobster tails from a licensed concession fish packing house, the licensed concession fish packing house has furnished to the District Compliance Manager of the Ministry at Napier full written particulars relating to—

“(i) The quantity of male spiny rock lobsters and male spiny rock lobster tails to be transported from the licensed concession fish packing house; and

“(ii) The intended transport mode and storage method of male spiny rock lobsters and male spiny rock lobster tails so transported; and

“(iii) The name and destination of the ship, or the flight number and destination of the aircraft, on which they are to be exported from New Zealand.

“(2) The Director-General may, subject to such terms and conditions as the Director-General thinks fit, approve in writing any premises or point within New Zealand as an export transshipment point or depot to which male spiny rock lobsters and male spiny rock lobster tails taken and landed pursuant to regulation 14k of these regulations may be sent by a licensed concession fish packing house.

“(3) Any licensed concession fish packing house processing spiny rock lobsters taken pursuant to regulation 14k of these regulations shall, in respect of such lobsters, keep and maintain records specifying—

“(a) The place and date of each purchase or receipt, and the purchase invoice number or unloading docket number; and

“(b) The vessel name, registration number, and the name and fisher identification number of the person authorised under a quota to take spiny rock lobster from quota management area 3 (as defined in the Third Schedule to the Maori Fisheries Act 1989), or the licensed concession fish packing house from which the male spiny rock lobster or male spiny rock lobster tail was purchased or received; and

“(c) The number of containers received; and

“(d) The greenweight in kilograms received; and

“(e) The unit price, including any advance or other form of payment per kilogram; and

- “(f) The inventory of Gisborne concession packs held on the premises of the licenced concession fish packing house; and
- “(g) In respect of all sales, the sales invoice number, the purchaser, the quantity sold, and the destination; and
- “(h) In respect of all other transactions, details of the persons to whom male spiny rock lobsters or male spiny rock lobster tails have been supplied and the quantity involved.”

4. Offences—(1) Regulation 16 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 3, 4, 5, 6, 6A, 7, 9, 10, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, and 14M of these regulations.”

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 3 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 1;
- (b) Regulation 5 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 2.

5. Revocation—The Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 4 are hereby consequentially revoked.

BOB MACFARLANE,
Acting for 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 come into force on the 18th day of June 1993, amend the Fisheries (Central Area Commercial Fishing) Regulations 1986.

The regulations provide for closed seasons for rock lobster in quota management area 3 and a concession for male spiny rock lobster in the Gisborne concession area.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 June 1993.
These regulations are administered in the Ministry of Agriculture and Fisheries.