



**THE FISHERIES (AUCKLAND AND KERMADEC AREAS
COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of February 1988

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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Amendment No. 2, and shall be read together with and deemed part of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

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

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term "Auckland Fishery Management Area", the following definition:

“‘Billfish’ means all species of the families *Istiophoridae* and *Xiphiidae*, including the following:

“(a) *Tetrapturus audax* (commonly known as the striped marlin):

“(b) *Makaira nigricans* (commonly known as the blue marlin):

“(c) *Makaira indica* (commonly known as the black marlin):

“(d) *Xiphias gladius* (commonly known as the broadbill swordfish):

“(e) *Tetrapturus angustirostris* (commonly known as the shortbill spearfish):

“(f) *Istiophorus platypterus* (commonly known as the sailfish):

“(g) Any other billfish by whatever name it may be locally known.”.

3. Taking of billfish prohibited in Auckland Fishery Management Area—(1) The principal regulations are hereby amended by inserting, after regulation 20, the following regulation:

“20A. (1) No commercial fisherman shall take billfish by any fishing method from, or be in possession of any billfish taken within, the Auckland Fishery Management Area.

“(2) It is a defence to a charge under subclause (1) of this regulation if the fisherman proves that, immediately upon taking or coming into possession of the billfish,—

“(a) Where that fisherman had been supplied with tags by the Director-General or an officer of the Ministry, the fisherman tagged the billfish (if alive) and returned it to the sea; or

“(b) In any other case, the fisherman returned the billfish (whether alive or dead) to the sea.”

(2) Regulation 24 (1) of the principal regulations is hereby amended by inserting, after the expression “20,”, the expression “20A,”.

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, which come into force on the 28th day after the date of their publication in the *Gazette*, prohibit commercial fishermen in the Auckland Fishery Management Area from taking or being in possession of billfish. Where a billfish is accidentally taken as a bycatch it will be a defence to a charge under the new regulation 20A if the fisherman can show that the billfish was immediately returned to sea (after being tagged in the case of a live billfish where the fisherman has been supplied with the appropriate tags).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 February 1988.

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