



## THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1983

DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 19th day of December  
1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to 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.

#### ANALYSIS

1. Title and commencement
2. Interpretation
3. Savings
4. Application of regulations

*Vessel Registration and Fishing Permits*

5. Vessels registration and fishing permits to be controlled by notice
6. Fees

*Marking of Vessels and Gear, and General Gear and Method Requirements*

7. Marking of fishing vessels and gear, and general gear and method requirements to comply with notices

*Fishing for Certain Species*

8. Fishing for certain species to be in accordance with notices

*Controlled Fisheries*

9. Fishing in a controlled fishery to comply with notices
10. Fees in controlled fisheries

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11. Fishing in the sea to be subject to notices

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12. Other matters for which notices may be issued
13. Offences and penalties
14. Misreporting of catches Schedule

#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1983.

(2) These regulations shall come into force on the 1st day of January 1984.

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

“Act” means the Fisheries Act 1983:

“Fishing gear” means any vessel, net, line, pot, trap, apparatus, device, or thing which is capable of being used for the purposes of taking fish:

“Fishing method” means the way in which any fishing gear is operated to take fish or any other practice which is likely to result in taking fish:

“Notice” means a notice issued pursuant to section 89 (1) (b) of the Act by the person prescribed in these regulations, and published in the *Gazette* or, where the person giving the notice considers the content to be of purely local application, published at least twice in a newspaper generally circulated in the area affected.

**3. Savings**—All certificates, appointments, registers, records, instruments, and generally all acts of authority, applications, and all other matters, acts, and things, which originated under the regulations revoked by Part II of the Second Schedule to the Act and are of continuing effect at the time of the coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

**4. Application of regulations**—These regulations shall, except as otherwise expressly provided, have force and effect throughout New Zealand and New Zealand fisheries waters; but nothing in this regulation shall affect the application of any restriction contained in any notice to particular parts of New Zealand or of New Zealand fisheries waters.

#### *Vessel Registration and Fishing Permits*

**5. Vessel registration and fishing permits to be controlled by notice**—(1) The registration of fishing vessels and the administration of fishing permits shall be carried out in accordance with such requirements as may be specified by the Director-General in a notice given in that behalf.

(2) Any such notice may provide details of the following:

- (a) The procedures for registering vessels, including the registers to be kept, and the issue of Certificates of Registry and their cancellation or transfer:
- (b) Any requirements relating to the procedures to be adopted where the name of a vessel is changed, or the vessel is chartered, leased, or demised:
- (c) The procedures to be followed where the owner of a registered vessel or the holder of a fishing permit changes his address, or where the alteration or replacement of a Certificate of Registry or fishing permit is required:
- (d) Such other prohibition, restriction, or requirement necessary to give full effect to the issue or administration of fishing vessel registrations or fishing permits.

**6. Fees**—The fees payable in respect of vessel registration and for the issue of fishing permits shall be as are specified in Part I of the Schedule to these regulations.

*Marking of Vessels and Gear, and General Gear and Method Requirements*

**7. Marking of fishing vessels and gear, and general gear and method requirements to comply with notices**—(1) Fishing vessels and gear shall be identified in such a manner, and fishing gear and methods shall comply with such requirements, as may be specified by the Director-General in a notice given in that behalf.

(2) Any such notice may provide details of the following:

- (a) The specifications for the registered name or number, or such other identifying marks as may be specified, which are to be affixed to the vessel, the position on the vessel where the identifying marks are to be placed, and the procedures relating to removal of the marks when the vessel ceases to be registered:
- (b) The identifying marks to be placed on fishing gear:
- (c) The circumstances in which specified species of finfish, shellfish, or aquatic life are to be placed in containers, and prescribing how such containers shall be labelled.
- (d) Any restrictions, prohibitions, or requirements relating to the type of any fishing gear used, the specifications of any fishing gear used to take finfish, shellfish, or aquatic life, the fishing methods to be used in conjunction with any fishing gear, and the operation of any fishing gear or methods:
- (e) Any other restriction, prohibition, or requirement necessary to regulate or control any aspect of the use of any fishing gear or method.

*Fishing for Certain Species*

**8. Fishing for certain species to be in accordance with notices**—

(1) The taking, possessing, landing, transporting, processing, selling, or exporting of finfish, shellfish, and aquatic life shall comply with such requirements as may be specified by the Director-General in a notice given in that behalf.

(2) Any such notice may provide details of the following:

- (a) The minimum length, the state, weight, or quantity of finfish, shellfish, or aquatic life which may be taken, possessed, landed, transported, sold, processed, or exported:
- (b) The imposition of prohibitions, restrictions, or requirements relating to fishing gear or fishing methods which may be used to take finfish, shellfish, or aquatic life:
- (c) Those areas of New Zealand fisheries waters which may be closed permanently to the taking of finfish, shellfish, or aquatic life, or areas in which the taking of finfish, shellfish, or aquatic life is subject to such conditions as may be specified in the notice relating to quantities, sizes, fishing gear, and methods, the reporting of position or catches, periods of time, or, in the case of shellfish, the marking out of boundaries.

*Controlled Fisheries*

**9. Fishing in a controlled fishery to comply with notices**—(1) Persons taking finfish, shellfish, or aquatic life from a controlled fishery shall comply with such requirements as may be specified by the Director-General in a notice given in that behalf.

(2) Any such notice may provide details of the following:

- (a) The imposition of prohibitions, restrictions, or requirements relating to the use of fishing vessels, fishing gear, or methods in a controlled fishery:
- (b) The species, quantities, size or weight of finfish, shellfish, or aquatic life which may be taken from a controlled fishery:
- (c) The numbers of finfish, shellfish, or aquatic life which may be taken from a controlled fishery by a person not licensed to fish in that controlled fishery.

**10. Fees in controlled fisheries**—The fees specified in Part II of the Schedule to these regulations are hereby prescribed as the fees payable in respect of the several matters so specified, and shall be paid at the time of making the relevant application.

*Sea Fishing Provisions*

**11. Fishing in the sea to be subject to notices**—(1) Persons taking finfish from New Zealand fisheries waters (excluding all other fresh or estuarine waters where fish indigenous to or acclimatised in New Zealand are found) shall comply with such requirements as may be specified by the Minister in a notice given in that behalf.

(2) Any such notices may provide details of the following:

- (a) A quota or total allowable catch by species, method, or area which may be allocated to particular commercial fishermen:
- (b) Any requirements for reporting vessel positions and catches (including the times at which such reports must be made) and the format of such reports:
- (c) Any royalties payable in respect of the allocation of quotas or total allowable catches.

*General Provisions*

**12. Other matters for which notices may be issued**—The Minister or Director-General may, from time to time, issue notices to provide the detail for all or any of the following purposes:

- (a) Prohibiting or regulating the taking, buying, selling, exposing for sale, consigning for sale, transporting, processing, preparing or offering for consumption in any public eating-house, acquiring, receiving, or having in possession any fish or any part or particular state or condition of any fish:
- (b) Regulating the construction or provision and maintenance of facilities on vessels, vehicles or other conveyances, or in premises, for the handling, transportation, preservation, or storage of fish, or for the preservation alive of Mollusca, Crustacea, and Echinodermata in storage or in transit to any establishment where such fish are processed; and prescribing measures to protect from sun, weather, or contamination any fish being handled or transported:
- (c) Authorising, notwithstanding the provisions of the Harbours Act 1950 or of any other Act, the erection (whether in, on, over, through, or across tidal lands or tidal waters or elsewhere) and the removal of temporary stands, jetties, and similar structures for the purpose of fishing in any specified rivers or streams or other waters, and providing for the registration, management, and control of the sites of such stands, jetties, and structures.

**13. Offences and penalties**—(1) Every person commits an offence against these regulations who,—

- (a) Knowingly makes any false or misleading statement or any material omission in any application, return, or other communication made for the purposes of these regulations or any notice made under them; or
- (b) Without lawful excuse, knowingly or negligently fails to comply with any request, requirement, obligation, or provision imposed or required to be observed by these regulations or any notice made under them.

(2) Every person who commits an offence against these regulations shall, on conviction, be liable to a fine not exceeding \$5,000, and, if the offence is a continuing one, to a further fine not exceeding \$250 for every day after the first day on which the offence has continued.

**14. Misreporting of catches**—(1) Where any person is convicted of an offence relating to the misreporting of catches or the wrongful allocation of quotas in respect of any fish or aquatic life, the Minister shall review any quota or catch allocation given to that person with a view to reducing it, cancelling it, or making it subject to such conditions as he thinks fit.

(2) In any proceedings relating to the reporting of catches or the filling of quotas, it shall be presumed, in the absence of evidence to the contrary, that all fish or aquatic life reported as taken has been taken from the area in respect of which the allowable catch or quota was allocated.

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## SCHEDULE

Clause 6

### PART I

#### REGISTRATION AND FISHING PERMIT FEES

1. The fees payable in respect of the registration of a fishing boat and the issue of duplicates shall be as follows:

	\$
(a) Registration .. .. .	10
(b) Issue of any duplicate .. .. .	1
(c) Transfer of registration from one port to another .. .. .	10

2. The fees payable in respect of permits to fish from a vessel and the issue of duplicates shall be as follows:

	\$
(a) The first method of fishing applied for in any application .. .. .	25
(b) Each additional method of fishing applied for in any application .. .. .	5
(c) For the issue of any duplicate permit .. .. .	1
(d) Noting on the permit a transfer of registration from one port or place of registry to another .. .. .	No fee

SCHEDULE—*continued*

3. The fees payable in respect of permits to fish other than from a vessel and the issue of duplicates shall be as follows:

	\$
(a) The first method of fishing applied for in any application . . . . .	25
(b) Each additional method of fishing applied for in any application . . . . .	5
(c) For the issue of any duplicate permit . . . . .	1

4. For the purpose of assessing the fees payable under clause 2 of this Part of this Schedule, the methods of fishing are set out as follows:

- (a) *Trawling*: Includes the use of a single bottom trawl, single mid-water trawl, pair bottom trawl, pair mid-water trawl, and beam trawl; but does not include Danish seining;
- (b) *Danish seining*: Includes the use of a single Danish seine net and pair Danish seining;
- (c) *Round haul*: Includes the use of a purse seine, lampara net, beach seine, and drag net;
- (d) *Dredging*: Includes the use of box dredges and ring dredges;
- (e) *Potting or trapping*: Includes the use of rock lobster pots, cod pots, crab pots, Hinaki nets, fyke nets, and box or teiche nets;
- (f) *Set netting*: Includes the use of set nets, drift nets, gill nets, lift nets, scoop nets, trammel nets, and entangling nets;
- (g) *Handgathering*: Includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed;
- (h) *Mechanical harvesting*: Includes the mechanical cutting of seaweed and the mechanical harvesting (other than dredging) of shellfish.

5. For the purpose of assessing the fees payable under clause 3 of this Part of this Schedule, the methods of fishing are set out as follows:

- (a) *Round haul*: Includes the use of a purse seine, lampara net, beach seine, and drag net;
- (b) *Potting or trapping*: Includes the use of rock lobster pots, cod pots, crab pots, Hinaki nets, fyke nets, and box or teiche nets;
- (c) *Lining*: Includes the use of set lines, hand lines, bottom longlines, surface longlines, dahn lines, trot lines, jig lines, drop lines, mechanical pole and line, and troll lines;
- (d) *Set netting*: Includes the use of set nets, drift nets, gill nets, lift nets, dip nets, scoop nets, trammel nets, and entangling nets;
- (e) *Handgathering*: Includes shore picking, diving, and digging for shellfish, and hand cutting of seaweed;
- (f) *Mechanical harvesting*: Includes the mechanical cutting of seaweed and the mechanical harvesting (other than dredging) of shellfish.

## PART II

Clause 10

## CONTROLLED FISHERIES FEES

*Item 1—Licence Fees*

	\$
1. On an application under section 29 of the Act—	
(a) To inspect the Register of Controlled Fishery Licences . . . . .	2
(b) To obtain a copy of any specified entry in the Register of Controlled Fishery Licences—	
(i) Where a fee under paragraph (a) has been paid . . . . .	3

SCHEDULE—*continued*

(ii) Where a fee under paragraph (a) has not been paid .. .. .	5
2. On an application under section 32 (1) of the Act for a licence .. .. .	10
3. On the issuing of a licence under section 33 (2) of the Act	No Fee
4. On an application under section 37 (1) of the Act for the renewal of a licence .. .. .	10
5. On an application for a temporary licence under section 38 of the Act—	
(a) To a Registrar of the Ministry of Agriculture and Fisheries	No Fee
(b) To the Authority .. .. .	10
6. On an application under section 44 of the Act for a substitute licence, boat authority, or temporary licence .. .. .	10
7. On any other application under Part III of the Act to a Registrar of the Ministry of Agriculture and Fisheries or to the Authority .. .. .	No Fee

*Item II—Boat Authority Levies*

1. Subject to clause 2 of this item, every holder of a licence granted under Part III of the Act who is issued with a boat authority shall pay to the Authority the following levies:

- (a) Where the licence is granted for a period of 12 months or less, the sum of \$100, for each boat authority;
- (b) Where the licence is granted for a period of more than 12 months—
  - (i) For each 12 months for which the licence is current without renewal, the sum of \$100 for each boat authority; and
  - (ii) For the remainder of the period (where the period of months for which the licence is current without renewal is not divisible by 12 months without remainder), the sum of \$100 for each boat authority;
- (c) Where the licence is renewed for a period of 12 months or less, the sum of \$100 for each boat authority;
- (d) Where the licence is renewed for a period of more than 12 months—
  - (i) For each 12 months for which the licence is current under the renewal, the sum of \$100 for each boat authority; and
  - (ii) For the remainder of the period (where the period of months for which the licence is current under the renewal is not divisible by 12 months without remainder), the sum of \$100 for each boat authority.
- (2) Every sum required to be paid under clause 1 of this item shall—
  - (a) Where the licence is granted or renewed for a period of 12 months or less be paid at the same time as application is made for the grant or renewal of the licence;
  - (b) Where the licence is granted or renewed for a period of more than 12 months—
    - (i) Be paid, in respect of the first 12 months of that period, at the same time as application is made for the grant or renewal of the licence; and
    - (ii) Be paid in respect of the second and any subsequent 12 months of that period or any remainder of that period, within 14 days after the anniversary date of the grant or renewal of the licence.

SCHEDULE—*continued*

(3) Notwithstanding clause 1 of this item, if the holder of a licence granted under Part III of the Act is also granted a licence under that Part to fish in another controlled fishery contiguous to the first for the same species of fish, then, where a vessel for which a boat authority has been issued is to be used in both controlled fisheries by the licensee, the original boat authority shall be cancelled and, without further fee being payable, a new boat authority issued authorising the licensee to so use the vessel.

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

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

These regulations provide for the detail relating to commercial fishing to be specified by either the Minister of Fisheries or the Director-General of Agriculture and Fisheries by notice in the *Gazette* or, where the matter is of purely local relevance, in a newspaper.

The regulations also prescribe the fees payable for fishing permits, and in respect of controlled fisheries.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

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