



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 14**

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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 14, and shall be read together with and deemed part of the Fisheries (Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*S.R. 1986/215

- Amendment No. 1: S.R. 1986/250
- Amendment No. 2: S.R. 1988/104
- Amendment No. 3: S.R. 1988/175
- Amendment No. 4: S.R. 1988/321
- Amendment No. 5: *(Revoked by S.R. 1990/186)*
- Amendment No. 6: *(Revoked by S.R. 1990/186)*
- Amendment No. 7: S.R. 1990/186
- Amendment No. 8: S.R. 1991/61
- Amendment No. 9: S.R. 1991/159
- Amendment No. 10: S.R. 1991/249
- Amendment No. 11: S.R. 1992/115
- Amendment No. 12: S.R. 1992/208
- Amendment No. 13: S.R. 1992/237

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 1st day of July 1993.

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

2. Method of measurement of rock lobster tail—(1) Regulation 28 (2) (a) of the principal regulations (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by inserting, after the expression “D.S.I.R. mark”, the words “, or an M.A.F. mark,”.

(2) Regulation 28 of the principal regulations (as so substituted) is hereby amended by inserting, after subclause (5), the following subclause:

“(5A) The measurement of the tail width of a 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 (2) 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 regulation 2 of 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.”

3. New Second Schedule substituted—(1) The principal regulations are hereby amended by revoking the Second Schedule (as substituted by regulation 2 (1) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 9), and substituting the Second Schedule set out in the Schedule to these regulations.

(2) The following regulations are hereby consequentially revoked:

(a) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 9;

(b) Regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 12, and the Schedule to those regulations.

4. Revocation—Regulation 8 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2 is hereby revoked.

Reg. 3 (1)

SCHEDULE

NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS

Reg. 56

"SECOND SCHEDULE

FEES

PART I

REGISTRATION AND FISHING PERMIT FEES

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1. The fees payable in respect of the registration of a fishing vessel and the issue of duplicates shall be as follows:	
(a) Where the vessel is New Zealand owned:	
(i) Registration	75.00
(ii) Issue of duplicate certificate of registry ..	15.00
(b) Where the vessel is foreign owned and the Director-General has given consent for registration pursuant to section 57 (8) of the Act:	
(i) Registration	2,061.00
(ii) Issue of duplicate certificate of registry ..	15.00
2. The fees payable in respect of permits and the issue of duplicates shall be as follows:	
(a) Issue of permit other than for fishing under Part IIA or Part IIB of the Act:	
(i) For issue of the permit	100.00
(ii) An administration fee payable in respect of each authorisation to take a specified species of fish from a specified area, being a species not subject to the quota management system	10.13
(b) Issue of permit for fishing under Part IIA or Part IIB of the Act	75.00
(c) The fee payable for the issue of a permit that allows fishing for a species subject to a quota management system and also for a species not subject to a quota management system shall be \$175.00	
(d) Application for special permit under section 64 of the Act (including subsequent issue of the permit)	900.00
If the time taken to process the application does not exceed 4 hours, the fee payable shall be \$225	
(e) Issue of any duplicate permit	15.00
(f) Amendment or alteration to conditions of permit at the request of the permit holder:	
(i) In the case of a special permit under section 64 of the Act	56.25
(ii) In any other case	15.00
2. The fee payable in respect of any approval by the Director-General pursuant to section 100 (2) of the Act shall be \$171.00.	

"SECOND SCHEDULE—*continued*

PART II

CONTROLLED FISHERIES FEES
APPLICATION FEES

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1. On an application under section 29 of the Act:	
(a) To inspect the Register of Controlled Fishery Licences	3.00
(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	5.00
(ii) Where a fee under paragraph (a) has not been paid	8.00
2. Application for licence	75.00
3. Application for renewal of licence	75.00
4. Application for a temporary licence:	
(a) To a Registrar of the Ministry	75.00
(b) To the Fisheries Authority	75.00
5. Any other application under Part III of the Act to a Registrar or the Ministry or the Authority	75.00

Boat Authority Fees

Every holder of a licence granted under Part III of the Act shall pay to the Authority, in respect of every boat authority issued in respect of a vessel specified in the licence, a fee of \$200 for every year or part of a year for which the licence is current.

Where 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, and a vessel for which a boat authority has been issued is to be used in both controlled fisheries by the licensee, no further fee shall be payable for the cancellation of the original boat authority and the issue of an appropriate new boat authority.

PART III

QUOTA REGISTRATION FEES

1. The fee payable for the registration of any transfer or lease of any individual transferable quota or transferable term quota is \$78.75.
2. The fee payable to inspect any register maintained under section 28R or section 28ZR of the Act is \$15.00.
3. Where a written authority is furnished to a Registrar pursuant to section 28ZA (2) (c) (iii) of the Act, a fee of \$29.25 is payable.

PART IV

OTHER FEES

1. *Conversion factor certificates*—(1) The fee payable by the owner of a vessel in respect of which a greenweight conversion factor certificate is given under section 3A (3) of the Act is \$27.00.

(2) No fee is payable under this clause where the conversion factor certificate increases the greenweight conversion factor applying to the vessel.

"SECOND SCHEDULE—*continued*

(3) The Director-General may waive any fee payable under this clause where the conversion factor certificate is issued for the purpose of making any minor amendment to a previous certificate applying to the vessel concerned.

2. *Supervision of conversion factors*—(1) The fee payable in respect of any supervision by a scientific observer that is required pursuant to a greenweight conversion factor certificate given under section 3A (3) of the Act is, for each 24-hour period or part of a 24-hour period during which the scientific observer is involved in the supervision,—

- (a) \$284.58, for supervision at sea; and
- (b) \$239.58, for supervision on shore.

(2) Where more than one scientific observer is involved in the supervision, fees are payable under subclause (1) of this clause in respect of each scientific observer.

(3) Any fee payable under this clause is payable by the owner of the vessel concerned.

3. *Supervision of transshipments*—(1) The fee payable in respect of the provision of supervision by a scientific observer of a transshipment of fish in circumstances referred to in section 67H (1) of the Act is, for each 24-hour period or part of a 24-hour period during which the scientific observer is involved in supervising the transshipment,—

- (a) \$342, where the vessel owner provides accommodation for the scientific observer; and
- (b) \$462.42, where the Director-General provides accommodation for the scientific observer.

(2) Where more than one scientific observer is involved in supervising a transshipment, fees are payable under subclause (1) of this clause in respect of each scientific observer.

(3) Any fee payable under this clause is payable by the holder of the fishing permit under which the transhipped fish were taken, or, where the vessel from which fish are transhipped is not the catcher vessel, by the owner of the vessel.

(4) Where more than one person is liable to pay any fee under this clause in respect of any period during which a scientific observer is on board a vessel, the Director-General may divide the total fee payable between those persons on a proportionate basis, having regard to the percentage of total transshipment hours taken up by each relevant transshipment.

(5) For the purposes of this clause, a transshipment at sea or in port is deemed to occur from the commencement of the first sling from a catcher vessel to the completion of the last sling from the same catcher vessel.

4. *Supervision of dumping at sea*—(1) The fee payable in respect of the provision of supervision by a scientific observer of any abandonment in or return to the sea of fish authorised under section 28zB (5) of the Act is \$22.50 for each occasion on which fish are so returned or abandoned.

"SECOND SCHEDULE—*continued*

(2) Any fee payable under this clause is payable by the holder of the fishing permit under which the fish were taken."

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 amend the Fisheries (Commercial Fishing) Regulations 1986.

The principal changes are as follows:

- (a) Rock lobster tail width measuring devices bearing an M.A.F. mark are permitted to be used as from 18 June 1993:
- (b) A new Second Schedule prescribing fees payable under the Fisheries Act 1983 is substituted as from 1 July 1993. The changes relate to fees in respect of section 100 (2) approvals, the registration of foreign owned fishing vessels, the registration of trades and leases of quota, the supervision of transhipments, the supervision of dumping at sea, the supervision of conversion factors, and the registration of arrangements under section 282A (2).

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.