



Fisheries (Schedules 3, 5A, and 6) Order 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 30th day of August 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 14, 67B, and 72(7) of the Fisheries Act 1996, Her 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 3, 5A, and 6) Order 2004.

2 Commencement

This order comes into force on 1 October 2004.

3 New items inserted in Third Schedule of Fisheries Act 1996

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

4 New item inserted in Schedule 5A of Fisheries Act 1996

Schedule 5A of the Fisheries Act 1996 is amended by inserting, after the item “PAU10”, the item “PPI1A”.

5 New items inserted in Sixth Schedule of Fisheries Act 1996

The Sixth Schedule of the Fisheries Act 1996 is amended by inserting, in their appropriate alphabetical order, the items set out in Schedule 2.

Schedule 1

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New items inserted in Third Schedule of Fisheries Act 1996

Stock	Area
Bigeye tuna (<i>Thunnus obesus</i>)	All quota management areas
Blue shark (<i>Prionace glauca</i>)	All quota management areas
Green-lipped mussel (<i>Perna canaliculus</i>)	GLM7A
Long-finned freshwater eel (<i>Anguilla dieffenbachii</i>)	LFE20, LFE21, LFE22, LFE23
Mako shark (<i>Isurus oxyrinchus</i>)	All quota management areas
Moonfish (<i>Lampris guttatus</i>)	All quota management areas
Pacific bluefin tuna (<i>Thunnus orientalis</i>)	All quota management areas
Porbeagle shark (<i>Lamna nasus</i>)	All quota management areas
Ray's bream (<i>Brama brama</i>)	All quota management areas
Short-finned freshwater eel (<i>Anguilla australis</i> and <i>Anguilla reinhardtii</i>)	SFE20, SFE21, SFE22, SFE23
Southern bluefin tuna (<i>Thunnus maccoyii</i>)	All quota management areas
Swordfish (<i>Xiphias gladius</i>)	All quota management areas
Yellowfin tuna (<i>Thunnus albacares</i>)	All quota management areas

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Schedule 2

New items inserted in Sixth Schedule of Fisheries Act 1996

Stock	Area	Requirements
Blue shark (<i>Prionace glauca</i>)	All New Zealand fisheries waters	A commercial fisher may return any blue shark to the waters from which it was taken if— <ol style="list-style-type: none"> (a) that blue shark is likely to survive on return; and (b) the return takes place as soon as practicable after the blue shark is taken.
Green-lipped mussel (<i>Perna canaliculus</i>)	Quota Management Areas GLM1, GLM2, GLM3, GLM7A, GLM7B, GLM8, and GLM10	A commercial fisher may return any green-lipped mussel to the sea if that green-lipped mussel is likely to survive on return.
Mako shark (<i>Isurus oxyrinchus</i>)	All New Zealand fisheries waters	A commercial fisher may return any mako shark to the waters from which it was taken if— <ol style="list-style-type: none"> (a) that mako shark is likely to survive on return; and (b) the return takes place as soon as practicable after the mako shark is taken.
Pipi (<i>Paphies australis</i>)	Quota Management Area PP11A (Whangarei Harbour)	A commercial fisher may return any pipi to the seabed from which it was taken if— <ol style="list-style-type: none"> (a) that pipi is likely to survive on return; and (b) the return takes place as soon as practicable after the pipi is taken.
Porbeagle shark (<i>Lamna nasus</i>)	All New Zealand fisheries waters	A commercial fisher may return any porbeagle shark to the waters from which it was taken if— <ol style="list-style-type: none"> (a) that porbeagle shark is likely to survive on return; and (b) the return takes place as soon as practicable after the porbeagle shark is taken.

Stock	Area	Requirements
Southern bluefin tuna (<i>Thunnus maccoyii</i>)	All New Zealand fisheries waters and all waters outside the outer boundary of the exclusive economic zone	A person who is a New Zealand national fishing against New Zealand's national allocation of southern bluefin tuna may return any southern bluefin tuna to the waters from which it was taken if— (a) that southern bluefin tuna is likely to survive on return; and (b) the return takes place as soon as practicable after the southern bluefin tuna is taken.
Spiny dogfish (<i>Squalus acanthias</i>)	All New Zealand fisheries waters	A commercial fisher may return any spiny dogfish (whether live or dead) to the waters from which it was taken.
Swordfish (<i>Xiphias gladius</i>)	All New Zealand fisheries waters	A commercial fisher may return any swordfish to the waters from which it was taken if— (a) that swordfish is likely to survive on return; and (b) the return takes place as soon as practicable after the swordfish is taken; and (c) that swordfish has a lower jaw to fork length of less than 1.25 m. For the purposes of this requirement, “lower jaw to fork length” means the projected straight line distance from the foremost point of the lower jaw to the rear centre edge of the tail (caudal fin).

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, which takes effect on 1 October 2004, adds—

- bigeye tuna, blue shark, green-lipped mussel, long-finned freshwater eel, mako shark, moonfish, Pacific bluefin tuna, porbeagle shark, ray's bream, short-finned freshwater eel,

southern bluefin tuna, swordfish, and yellowfin tuna to the Third Schedule of the Fisheries Act 1996 (which lists stocks that are managed with an alternative total allowable catch):

- pipi in Whangarei Harbour to Schedule 5A of the Fisheries Act 1996 (which lists stocks for which no additional annual catch entitlement may be allocated where underfishing occurs):
- blue shark, green-lipped mussel, mako shark, pipi, porbeagle shark, spiny dogfish, southern bluefin tuna, and swordfish to the Sixth Schedule of the Fisheries Act 1996 (which lists stocks that may be returned to the sea or other waters in accordance with stated requirements).

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This order is administered in the Ministry of Fisheries.
