



Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 297 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 regulations.

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Regulations

1 Title

- (1) These regulations are the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001.
- (2) In these regulations, the Fisheries (Challenger Area Commercial Fishing) Regulations 1986¹ are called "the principal regulations".

¹ SR 1986/218

2 Commencement

These regulations come into force on 1 October 2001.

3 Interpretation

- (1) Regulation 2(1) of the principal regulations is amended by revoking the definition of **Act**, and substituting the following definition:

"**Act** means the Fisheries Act 1996".
- (2) Regulation 2(1) of the principal regulations is amended by revoking the definitions of **albacore tuna**; **bigeye tuna**; **black (seal) shark**; **blue mackerel**; **broadbill swordfish**; **bronze whaler-shark**; **butterfish**; **butterfly tuna**; **catseye**; **cockle**; **conger eel**; **cooks turban**; **deepwater crab**; **dog cockle**; **durvillea**; **ecklonia**; **flying fish**; **galaxids, adult**; **gracilaria**; **greeneye dogfish**; **king clam**; **lamprey**; **leatherjacket**; **lessonia**; **limpet**; **longfinned eel**; **lookdown dory**; **macrocystis**; **mud snail**; **periwinkle**; **pipi**; **porae**; **porphyra**; **pterocladia**; **ray's bream**; **red snapper**; **saury**; **scampi**; **sea hare**; **sea horse**; **sea slug**; **sea tulip**; **seven-gill shark**; **shortfinned eel**; **shovelnose spiny dogfish**; **silver dory**; **six-gill shark**; **skate and ray**; **skipjack tuna**; **slender tuna**; **smelt, adult**; **southern bluefin tuna**; **sowfish**; **spiny dogfish**; **sponge**; **sprats**; **surf clam**; **thresher shark**; **tuatua**; **ulva**; **undaria**; **virgin paua**; **volutes**; **whelk**; **yellowfin tuna**; **yellowtailed kingfish**; and **zostera**.
- (3) Regulation 2(1) of the principal regulations is amended by revoking the definition of **commercial fisherman**, and substituting the following definition:

“commercial fisher means—

- “(a) any person who takes any fish, aquatic life, or seaweed for the purposes of sale;
- “(b) any person who is engaged in any capacity on a New Zealand fishing vessel;
- “(c) any person who has a fishing permit issued under section 91 of the Fisheries Act 1996 entitling the person to take any species or class of fish, aquatic life, or seaweed.”

4 References to commercial fisher substituted for references to commercial fisherman

Regulations 2A to 3A, 5 to 12B, 13B, 14, and 14B to 14J of the principal regulations are amended by omitting the words “commercial fisherman” wherever they appear, and substituting in each case the words “commercial fisher”.

5 Conditions for taking oysters

Regulation 12(1)(a) of the principal regulations is amended by inserting, after the words “the Fisheries Act 1983”, the words “or the Act”.

6 Conditions and restrictions relating to scallops

Regulation 12A(1)(a) of the principal regulations is amended by inserting, after the words “the Fisheries Act 1983”, the words “or the Act”.

7 Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised

Regulation 14A of the principal regulations is revoked.

8 Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc

Regulation 14AA of the principal regulations is revoked.

9 References to chief executive substituted for references to Director-General

Regulations 11, 14B, 14D, and 14G of the principal regulations are amended by omitting the word “Director-General” wherever it appears, and substituting in each case the words “chief executive”.

10 New regulation 15 substituted

The principal regulations are amended by revoking regulation 15, and substituting the following regulation:

“15 Offences

- “(1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person acts in contravention of, or fails to comply with, any of regulations 2BB, 9A(2), 11, 12(1)(a), (b), or (c), 12A(1) or (4), 12B, 13B, 14, 14B(2), 14C, 14E, 14F or 14I.”
- “(2) A person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 if the person acts in contravention of, or fails to comply with, any of regulations 2A to 2BA, 2C to 3A, 5 to 9, 9A(1), 10, 12(1)(d), 12A(2) or (3), 14B(1), 14D, 14G, 14H, or 14J.”

11 Other amendments to principal regulations

The principal regulations are amended in the manner indicated in the Schedule.

12 Revocations

The following regulations are revoked:

- (a) regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 8 (SR 1990/218);
- (b) regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/162);
- (c) regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281);

- (d) regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 1998 (SR 1998/304);
 - (e) Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2001 (SR 2001/159).
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Schedule

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Other amendments to principal regulations

Regulation 2A

Omit the words “regulation 21 of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 2BA

Omit the words “regulation 42(4) of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 65(8) of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 2BB

Omit the words “regulation 42A of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 66 of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 12(1)(a)

Omit the words “regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 12A(1)

Omit the words “regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 12B

Omit from subclause (1) the words “regulation 22 of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 32 of the Fisheries (Commercial Fishing) Regulations 2001”.

Omit from subclause (2) the words “regulation 22(3) of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 32 of the Fisheries (Commercial Fishing) Regulations 2001”.

Regulation 13B

Omit the words “regulation 24 of the Fisheries (Commercial Fishing) Regulations 1986” and substitute the words “regulation 34 of the Fisheries (Commercial Fishing) Regulations 2001”.

Martin Bell,
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 1 October 2001, amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 to make them more consistent with the Fisheries Act 1996. The main features of the amendments are as follows:

- a definition of **commercial fisher** is substituted for the definition of **commercial fisherman**:
 - references to the chief executive are substituted for references to the Director-General:
 - the prohibition on targetting certain fish, aquatic life, and seaweed is omitted. This matter is now covered by the Fisheries (Commercial Fishing) Regulations 2001:
 - the single penalty band in *regulation 15* for offences against the regulations, which has a maximum fine of \$10,000, is replaced by a 2-tier band that has maximum fines of \$20,000 and \$100,000.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 September 2001.

These regulations are administered in the Ministry of Fisheries.
