



## Fisheries (Reporting) Amendment Regulations (No 2) 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 section 297(1)(h) 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 (Reporting) Amendment Regulations (No 2) 2004.
- (2) In these regulations, the Fisheries (Reporting) Regulations 2001<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 2001/188

## 2 Commencement

These regulations come into force on 1 October 2004.

## 3 Interpretation

Regulation 3(1) of the principal regulations is amended by inserting, after the definition of **foreign fishing vessel**, the following definition:

“**green-lipped mussel spat** means a shellfish of the species *Perna canaliculus* that is less than 10 mm in length”.

## 4 Monthly harvest returns

- (1) Regulation 7(1) of the principal regulations is amended by adding to paragraph (d) the word “; or” and by adding the following paragraph:

“(e) is an operator who, being a New Zealand national using a New Zealand ship, takes any highly migratory species that is—

“(i) subject to the quota management system outside New Zealand fisheries waters; and

“(ii) taken outside New Zealand fisheries waters; and

“(iii) taken for the purpose of sale”.

- (2) Regulation 7 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) Regulation 7(1)(e) does not apply, and no monthly harvest return is required, if the operator proves to the satisfaction of the chief executive that—

“(a) the operator was authorised to take the stock in the national fisheries jurisdiction of another State; and

“(b) if the other State has a national allocation for the stock taken, the catch was recorded against the other State’s allocation; and

“(c) the other State has agreed to comply with all of the conservation and management measures of the competent regional fisheries management organisation for the relevant species.”

- (3) Regulation 7(2)(a) of the principal regulations is amended by omitting from subparagraph (ii) the word “; and”, and substituting the word “; or” and by adding the following subparagraph:

“(iii) in relation to any fish that are—

- “(A) taken outside New Zealand fisheries waters; and  
“(B) not subject to the quota management system outside New Zealand fisheries waters; and”.

## 5 Use of codes for certain entries

Regulation 37(a) of the principal regulations is amended by inserting, after the words “in table 11”, the words “, or, in the case of green-lipped mussel and green-lipped mussel spat, in table 17”.

## 6 Part 1 of Schedule 3 amended

- (1) Table 1 of Part 1 of Schedule 3 of the principal regulations is amended by omitting, from the heading to the third column, the expression “15”, and substituting the expression “18”.
- (2) Table 1 of Part 1 of Schedule 3 of the principal regulations is amended by omitting the items relating to kahawai and southern bluefin tuna.
- (3) Table 1 of Part 1 of Schedule 3 of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following items:

Species or class of fish	Quota management area reference number set out in table 2 of this Part	Other area reference number set out in tables 3 to 18 of this Part	Fishstock code to be used (species/area)
Blue shark	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		BWS1
Kahawai	1		KAH1
	2		KAH2
	3, 5, 6, 7		KAH3
	4		KAH4
	8, 9		KAH8
	10		KAH10
Lookdown dory	1, 2, 7, 8, 9		LDO1
	3, 4, 5, 6		LDO3
	10		LDO10
Mako shark	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		MAK1
Moonfish	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		MOO1
Pacific bluefin tuna	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		TOR1
Parore	1		PAR1

Species or class of fish	Quota management area reference number set out in table 2 of this Part	Other area reference number set out in tables 3 to 18 of this Part	Fishstock code to be used (species/area)
	2, 3, 4, 5, 6, 7, 8		PAR2
	9		PAR9
	10		PAR10
Pipi		1A	PPI1A
Porae	1		POR1
	2, 8, 9		POR2
	3, 4, 5, 6, 7		POR3
	10		POR10
Porbeagle shark	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		POS1
Ray's bream	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		RBM1
Red snapper	1		RSN1
	2, 3, 4, 5, 6, 7, 8, 9		RSN2
	10		RSN10
Scampi	1		SCI1
	2		SCI2
		3	SCI3
		4A	SCI4A
	5		SCI5
		6A	SCI6A
		6B	SCI6B
	7		SCI7
	8		SCI8
	9		SCI9
	10		SCI10
Southern bluefin tuna	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, the high seas, and any other waters outside New Zealand fisheries waters		STN1
Spiny dogfish	1, 2		SPD1
	3		SPD3
	4		SPD4
	5, 6		SPD5
	7		SPD7
	8, 9		SPD8
	10		SPD10
Swordfish	1, 2, 3, 4, 5, 6, 7, 8, 9, 10		SWO1

- (4) Table 2 of Part 1 of Schedule 3 of the principal regulations is amended by revoking the definitions of, and items relating to, **Auckland Islands** and **Part Sub-Antarctic**.
- (5) Part 1 of Schedule 3 of the principal regulations is amended by revoking table 4.

- (6) Part 1 of Schedule 3 of the principal regulations is amended by revoking table 11, and substituting the following table:

Table 11

## Fishstock codes for freshwater eels

**Notes:**

- 1 Different codes must be used on different reporting forms.
- 2 In this table,—
  - CELR** means the catch, effort, and landing returns required to be in form 1 of Schedule 2:
  - CLR** means the catch landing returns required to be in form 2 of Schedule 2:
  - ECLR** means the freshwater eel catch landing returns required to be in form 9 of Schedule 2:
  - MHR** means the monthly harvest returns required to be in form 3 of Schedule 2.
- 3 In this table, the quota management areas are those defined in—
  - (a) Part III of the First Schedule of the Fisheries Act 1996:
  - (b) Schedule 1 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2002:
  - (c) Schedule 2 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2003.

Species of eel	Quota management area name	Quota management area	Fishstock code for use in CELR, CLR, and ECLR	Fishstock code for use in MHR
Long-finned freshwater eel	Nelson/Marlborough	ANG11	LFE11	ANG11
	North Canterbury	ANG12	LFE12	ANG12
	Lake Ellesmere	ANG13	LFE13	ANG13
	South Canterbury/Waitaki	ANG14	LFE14	ANG14
	Otago/Southland	ANG15	LFE15	ANG15
	West Coast	ANG16	LFE16	ANG16
	South-East (Chatham Rise)	LFE17	LFE17	LFE17

Species of eel	Quota management area name	Quota management area	Fishstock code for use in CELR, CLR, and ECLR	Fishstock code for use in MHR
	Northland/Auckland	LFE20	LFE20	LFE20
	Waikato/Poverty Bay	LFE21	LFE21	LFE21
	Hawke Bay/Wellington	LFE22	LFE22	LFE22
	Taranaki/Rangitikei	LFE23	LFE23	LFE23
Short-finned freshwater eel	Nelson/Marlborough	ANG11	SFE11	ANG11
	North Canterbury	ANG12	SFE12	ANG12
	Lake Ellesmere	ANG13	SFE13	ANG13
	South Canterbury/Waitaki	ANG14	SFE14	ANG14
	Otago/Southland	ANG15	SFE15	ANG15
	West Coast	ANG16	SFE16	ANG16
	South-East (Chatham Rise)	SFE17	SFE17	SFE17
	Northland/Auckland	SFE20	SFE20	SFE20
	Waikato/Poverty Bay	SFE21	SFE21	SFE21
	Hawke Bay/Wellington	SFE22	SFE22	SFE22
	Taranaki/Rangitikei	SFE23	SFE23	SFE23

- (7) Part 1 of Schedule 3 of the principal regulations is amended by adding the following tables:

Table 16

Scampi reference numbers for the purposes of table 1  
The areas referred to by name in this table are the quota management areas described in Schedule 13 of the Fisheries Act 1996.

Area name	Area reference number used in fishstock code
South-East Coast and Western Chatham Islands combined	3
Chatham Islands East	4A
Auckland Islands	6A
Part Sub-Antarctic	6B

Table 17  
Fishstock codes for green-lipped mussel and green-lipped  
mussel spat

**Notes:**

- 1 Different codes must be used on different reporting forms.
- 2 In this table,—  
**CELR** means the catch, effort, and landing returns required to be in form 1 of Schedule 2:  
**CLR** means the catch landing returns required to be in form 2 of Schedule 2:  
**MHR** means the monthly harvest returns required to be in form 3 of Schedule 2.
- 3 In this table, the quota management areas are those defined in—
  - (a) Part I of the First Schedule of the Fisheries Act 1996:
  - (b) Schedule 3 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2003.

Species	Quota management area name	Quota management area	Fishstock code for use in CELR and CLR	Fishstock code for use in MHR	
Green-lipped mussel	Auckland (East)	GLM1	MSG1	GLM1	
	Central (East)	GLM2	MSG2	GLM2	
	South-East (Coast), South-East (Chatham Rise), Southland, Sub-Antarctic	GLM3	MSG3	GLM3	
	Nelson/Marlborough	GLM7A	MSG7A	GLM7A	
	West Coast	GLM7B	MSG7B	GLM7B	
	Central (Egmont)	GLM8	MSG8	GLM8	
	Auckland (West)	GLM9	MSG9	GLM9	
	Kermadec	GLM10	MSG10	GLM10	
	Green-lipped mussel (spat)	Auckland (East)	GLM1	MSP1	GLM1
		Central (East)	GLM2	MSP2	GLM2
South-East (Coast), South-East (Chatham Rise), Southland, Sub-Antarctic		GLM3	MSP3	GLM3	
Nelson/Marlborough		GLM7A	MSP7A	GLM7A	
West Coast		GLM7B	MSP7B	GLM7B	

Species	Quota management area name	Quota management area	Fishstock code for use in CELR and CLR	Fishstock code for use in MHR
	Central (Egmont)	GLM8	MSP8	GLM8
	Auckland (West)	GLM9	MSP9	GLM9
	Kermadec	GLM10	MSP10	GLM10

Table 18

Pipi reference numbers for the purposes of table 1

The area referred to by name in this table is the quota management area described in Schedule 4 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2003.

Area name	Area reference number used in fishstock code
Whangarei Harbour pipi fishery	1A

## 7 Part 2 of Schedule 3 amended

- (1) Part 2 of Schedule 3 of the principal regulations is amended by inserting, after the item relating to green-lipped mussel, the following item:

Common name	Species code	Scientific name
Green-lipped mussel (spat)**	MSP	<i>Perna canaliculus</i>

- (2) Part 2 of Schedule 3 of the principal regulations is amended by adding the following footnote:

\*\*\* On monthly harvest returns, the code **GLM** must be used in conjunction with the appropriate quota management area.

## 8 Part 6 of Schedule 3 amended

Part 6 of Schedule 3 of the principal regulations is amended by adding the following item:

Destination	Destination type code
Fish of the species or classes subject to the quota management system established under Part IV of the Act that are listed in Part 6A of this Schedule and are returned to the water	M



**9 New Part 6A of Schedule 3 inserted**

Schedule 3 of the principal regulations is amended by inserting, after Part 6, the following Part:

**Part 6A**  
**Species or classes of fish returned to the sea for**  
**which destination type code M must be used**

**Common name**  
Spiny dogfish

**Scientific name**  
*Squalus acanthias*

Diane Morcom,  
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, which come into force on 1 October 2004, amend the Fisheries (Reporting) Regulations 2001 by—

- inserting a definition for **green-lipped mussel spat** (*regulation 3*):
  - including, in regulation 7, a requirement for a monthly harvest return to be completed in respect of the taking of highly migratory species, except where certain conditions are satisfied (*regulation 4*):
  - adding, to regulation 37(a), a reference to green-lipped mussel and green-lipped mussel spat (*regulation 5*):
  - inserting, in table 1 of Part 1 of Schedule 3, fishstock codes for species of fish being introduced into the quota management system from 1 October 2004 (*regulation 6*):
  - making consequential amendments to Schedule 3, to take account of the species of fish being introduced into the quota management system (*regulations 7 to 9*).
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**Fisheries (Reporting) Amendment  
Regulations (No 2) 2004**

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These regulations are administered in the Ministry of Fisheries.

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