



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,  
AMENDMENT NO. 7**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of July 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 67H and 89 of 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.

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ANALYSIS

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 7, and shall be read together with and deemed part of the Fisheries (Commercial Fishing) Regulations 1986\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Interpretation**—Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term “longline”, the following definition:

“ ‘Marine turtle’ means any of the following:

“(a) A logger head turtle (*Caretta caretta*);

“(b) A green turtle (*Chelonia mydas*);

“(c) A hawksbill turtle (*Eretmochelys imbricata*);

“(d) An olive ridley or pacific ridley turtle (*Lepidochelys olivacea*);

“(e) A leatherback or leathery back or luth turtle (*Dermochelys coriacea*).”

**3. New regulations relating to marine turtles inserted**—The principal regulations are hereby amended by inserting, after regulation 31, the following heading and regulations:

“*Marine Turtles*

**“31A. Taking and possession of marine turtles prohibited—**

(1) Except as provided in subclause (2) of this regulation, no commercial fisherman shall take any marine turtle from New Zealand fisheries waters or be in possession of any marine turtle taken from those waters.

“(2) Nothing in subclause (1) of this regulation—

“(a) Shall apply where a marine turtle is accidentally caught in a net; or

“(b) Shall prevent the taking or possession of any marine turtle—

“(i) Pursuant to an authority given under section 53 or section 56 of the Wildlife Act 1953; or

“(ii) Pursuant to a permit given under section 14 of the Trade in Endangered Species Act 1989.

**“31B. Uninjured turtles to be immediately returned to sea—**Where any marine turtle is caught in a net by a commercial fisherman and is not injured, the turtle shall be immediately returned to the sea.

**“31C. Injured turtles to be delivered to approved institution for care—**(1) Except as provided in subclause (2) of this regulation, where any marine turtle is caught in a net by a commercial fisherman and injured, whether as a consequence of being caught or otherwise, the turtle shall be delivered to the nearest institution approved for the immediate care of marine turtles by the Director-General in consultation with the Director-General of Conservation.

\*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: S.R. 1989/157

Amendment No. 6: S.R. 1990/105

“(2) Where so authorised by the Director-General after consultation with the Director-General of Conservation, a commercial fisherman may return any such injured marine turtle to the sea.

“31D. **Dead turtles to be offered to National Museum**—(1) Except as provided in subclause (2) of this regulation, where any marine turtle is caught in a net by a commercial fisherman and dies, whether as a consequence of being caught or otherwise, the turtle shall be offered to the National Museum.

“(2) Where so authorised by the Director-General, a commercial fisherman may return any such dead marine turtle to the sea.

“31E. **Turtle catches to be reported**—(1) Where any marine turtle, whether alive or dead, is caught in a net by a commercial fisherman, the catch shall be recorded in the vessel’s log and reported in writing to a Registrar of Fisheries not later than 48 hours after the arrival of the vessel in port.

“(2) Every report under subclause (1) of this regulation shall include the following details:

“(a) The location of the area where the turtle was caught:

“(b) The species (if known) of the turtle, or a general description of it:

“(c) A description of any tag found on the turtle:

“(d) A description of conditions and the circumstances of the accident.

“(3) Without limiting paragraph (b) of subclause (2) of this regulation, a description given under that paragraph may—

“(a) Be in the form of a photograph; or

“(b) Consist of the measurements of the carapace and tail, together with a description of the carapace.

“(4) A report under subclause (1) of this regulation may include details of any reported sightings of any marine turtle.

“(5) A report under subclause (1) of this regulation may be made in respect of all or any of the turtles caught by the commercial fisherman concerned on any particular day.”

**4. Offences**—The principal regulations are hereby amended by revoking regulation 57, and substituting the following regulation:

“57. (1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 11, 12 (1), 20, 21 (1), 21 (2), 21 (3), 22 (1), 22 (2), 22 (3), 23, 24, 25, 26 (1), 26 (2), 27 (1), 27 (2), 29 (2), 29 (3), 30, 30A (1), 30A (2), 30A (4), 31 (1), 31 (2), 41, 42, 43, 44, 45, 46, 47, 47A, 48, 49, 50, 51, 52, 53, and 54 of these regulations.

“(2) Every commercial fisherman who acts in contravention of, or fails to comply with, any of regulations 31A to 31E of these regulations commits an offence and is liable on summary conviction,—

“(a) In the case of a person who has a fishing permit or is the owner or master of the vessel in respect of which the offence has been committed, to a fine not exceeding \$10,000:

“(b) In the case of any other person, to a fine not exceeding \$1,000.

“(3) Subject to subclause (4) of this regulation, every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who acts in contravention of, or fails to comply with, any of regulations 6, 7, 8, 10, 12 (2), 13, 14, 15, 16, 17, 19, 32, 33, 34, 35, 36, 38, 39, 40, and 55 of these regulations.

“(4) Where, on or after the 15th day of September 1993, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person shall be liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years immediately preceding the date of that conviction, that person has been convicted of any offence against the Act or any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.”

**5. Fees**—The principal regulations are hereby amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule to these regulations.

**6. Revocations**—The following regulations are hereby consequentially revoked:

- (a) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 5 (S.R. 1989/157):
  - (b) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 6 (S.R. 1990/105).
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## SCHEDULE

Reg. 5

## NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS

## "SECOND SCHEDULE

Reg. 56

## FEES

## PART I

## REGISTRATION AND FISHING PERMITS

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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) Registration .. .. .   | 67.50  |
|    | (b) Issue of duplicate certificate of registry ..  | 13.50  |
| 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 of the Act .. .. .   | 90.00  |
|    | (b) Issue of permit for fishing under Part IIA of the Act .. .. .  | 67.50  |
|    | (c) Application for special permit under section 64 of the Act (including subsequent issue of the permit) .. .. .    | 135.00 |
|    | (d) Issue of any duplicate permit .. .. .  | 13.50  |
|    | (e) Amendment or alteration to conditions of permit at the request of the permit holder                              | 13.50  |

## 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 .. .. .                                 | 2.25  |
|    | (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 .. .. .  | 4.50  |
|    | (ii) Where a fee under paragraph (a) has not been paid .. .. .                                     | 6.75  |
| 2. | Application for a licence .. .. .  | 67.50 |
| 3. | Application for renewal of licence ..  | 67.50 |
| 4. | Application for a temporary licence—   |       |
|    | (a) To a Registrar of the Ministry .. .. .   | 67.50 |
|    | (b) To the Fisheries Authority .. .. .   | 67.50 |
| 5. | Any other application under Part III of the Act to a Registrar of the Ministry or to the Authority | 67.50 |

*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 \$180 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 \$67.50.

2. The fee payable to inspect any register of quota maintained under section 28P of the Act is \$13.50.

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.

(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) \$271, for supervision at sea; and

(b) \$226, for supervision on shore.

(2) Where more than 1 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 transhipments**—(1) The fee payable in respect of the provision of supervision by a scientific observer of a transhipment 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 transhipment,—

(a) \$306, where the transhipment occurs at sea; and

(b) \$221, where the transhipment occurs in port.

(2) Where more than 1 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 1 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 \$20 for each occasion on which fish are so returned or abandoned.

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

MARIE SHROFF,  
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 28 days after the date of their notification in the *Gazette*, amend the Fisheries (Commercial Fishing) Regulations 1986.

*Regulation 2* defines the term “marine turtle” for the purposes of the principal regulations. Logger head turtles, green turtles, hawksbill turtles, olive ridley or pacific ridley turtles, and leatherback or leathery back or luth turtles are included in the definition.

*Regulation 3* inserts new regulations 31A to 31E into the principal regulations.

*Regulation 31A* prohibits commercial fishermen from taking any marine turtle from New Zealand fisheries waters or having in their possession any marine turtle taken from those waters. This prohibition does not apply where the turtle has been accidentally caught in a net, or is held pursuant to section 53 or section 56 of the Wildlife Act 1953 or section 14 of the Trade in Endangered Species Act 1989.

*Regulation 31B* requires commercial fishermen to immediately return to the sea any uninjured turtles that have been caught.

*Regulation 31C* requires commercial fishermen to deliver any injured turtles that are caught to an approved institution for care, but enables the Director-General of Agriculture and Fisheries to grant exemptions from this requirement.

*Regulation 31D* requires commercial fishermen to offer any dead turtles that are caught to the National Museum, but enables the Director-General to grant exemptions from this requirement.

*Regulation 31E* requires commercial fishermen to report catches of turtles to a Registrar of Fisheries.

*Regulation 4* revokes and replaces regulation 57 of the principal regulations, which relates to offences. The principal change is a new provision which provides that where a person is convicted on or after 15 September 1993 of an offence against the regulations for which the specified maximum penalty is \$5,000, that person shall be liable on that conviction to a fine not exceeding \$10,000 if, in the 3 years preceding the date of conviction, that person has been convicted of any offence against the Fisheries Act 1983 or any regulations made under that Act for which the specified maximum penalty was a fine of \$5,000.

*Regulation 5* prescribes new fees.

The fees currently specified in the existing Second Schedule are unchanged. The new Part IV to the Schedule imposes new fees in respect of the following matters:

- (a) A fee of \$27 is payable for the issue under section 3A (3) of the Fisheries Act 1983 of a greenweight conversion factor certificate that is more favourable to a vessel than the conversion factor currently applying to the vessel:
- (b) Where supervision by a scientific observer is a condition of any greenweight conversion factor certificate, a fee at the rate of \$271 per day (or part of a day) is payable for supervision at sea, and \$226 per day for on-shore supervision:
- (c) Supervision of transhipments is charged at the rate of \$306 per day for at-sea transhipments, and \$221 for on-shore transhipments (these are transhipments that would not be lawful without the Director-General's consent):
- (d) A fee of \$20 is payable for each occasion on which fish are returned to or abandoned in the sea under the authority of section 28zB (5) of the Act.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 August 1990.

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