

Fisheries Amendment Act (No 3) 2004

Public Act 2004 No 76
Date of assent 6 September 2004

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Schedule 1

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Fisheries Amendment Act (No 3) 2004.
- (2) In this Act, other than Part 2, the Fisheries Act 1996 is called “the principal Act”.

2 Commencement

- (1) This Act comes into force on 1 October 2004, except for sections 37(3) and 59.
- (2) Sections 37(3) and 59 come into force on the day on which this Act receives the Royal assent.

Part 1

Amendments to principal Act

3 Interpretation

- (1) Section 2(1) of the principal Act is amended by repealing the definition of **authorised stock**.
- (2) Section 2(1) of the principal Act is amended by repealing the definition of **commercial fisher**, and substituting the following definition:
“**commercial fisher**—
 - “(a) means a person who holds a fishing permit issued under section 91; and
 - “(b) for the purposes of sections 72 and 75, includes—
 - “(i) a person who holds a high seas fishing permit; and
 - “(ii) a person using a New Zealand ship who, in the judgment of the chief executive, holds a valid authority from a foreign country to take highly migratory species in the national fisheries jurisdiction of that foreign country”.
- (3) Section 2(1) of the principal Act is amended by inserting, after the definition of **freshwater eel**, the following definition:
“**green-lipped mussel** means a shellfish of the species *Perna canaliculus*”.
- (4) Section 2(1) of the principal Act is amended by inserting, after the definition of **High Seas Permit Register**, the following definition:
“**highly migratory species** means a species or stock listed in Schedule 4B”.
- (5) Section 2(1) of the principal Act is amended by repealing the definition of **individual catch entitlement**.
- (6) Section 2(1) of the principal Act is amended by inserting, after the definition of **internal waters of New Zealand**, the following definitions:
“**international fisheries organisation** means an organisation or arrangement that is defined as a global, regional, or sub-regional fisheries organisation or arrangement under section 113B
“**international fisheries organisation management measure** means a measure that is within the definition of **international conservation and management measures** in section 113B”.

- (7) Section 2(1) of the principal Act is amended by inserting, after the definition of **Permit Register**, the following definition:

“**port**—

- “(a) means any area of land and water intended or designed to be used either wholly or partly for the berthing, unloading, departure, movement, and servicing of vessels:
- “(b) includes any anchorage, roadstead, pilot station, haven or estuary, navigable lake or river, wharf, dock, pier, jetty, or dry dock used or capable of being used for such purposes”.

- (8) Section 2(1) of the principal Act is amended by repealing the definition of **tender**, and substituting the following definition:

“**tender** means any vessel that—

- “(a) is carried by or attached to a fishing vessel and used or intended to be used for taking fish, aquatic life, or seaweed for sale in conjunction with the fishing vessel; and
- “(b) is not longer than the greater of—
- “(i) 6 metres; or
- “(ii) 50% of the overall length of the fishing vessel it is carried by or attached to”.

- (9) Section 2 of the principal Act is amended by adding the following subsection:

“(4) The Governor-General may, by Order in Council,—

- “(a) add to Schedule 4B the name of any species or stock that, based on its range and biological characteristics, is highly migratory (including any new species or stock that results from a change in taxonomic classification):
- “(b) omit from that Schedule the name of any species or stock if the criteria set out in paragraph (a) cease to apply to that species or stock.”

4 Alternative total allowable catch for stock specified in Schedule 3

- (1) Section 14(8)(b)(ii) of the principal Act is amended by omitting the words “catch limit”, and substituting the words “national allocation”.
- (2) Section 14(8)(b) of the principal Act is amended by adding to subparagraph (iii) the expression “; or”, and also by adding the following subparagraph:

“(iv) the stock comprises 1 or more highly migratory species.”

5 New headings and sections substituted

The principal Act is amended by repealing sections 17 and 18 and the heading immediately above section 17, and substituting the following headings and sections:

“Application of this Part

“17 Application of Part generally

“(1) This Part applies to every stock made subject to the quota management system by—

“(a) a declaration by the Minister by notice under section 18 (whether made before or after the commencement of section 5 of the Fisheries Amendment Act (No 3) 2004);
or

“(b) any provision of this Act or any other Act.

“(2) This Part does not apply to fishing authorised by a foreign fishing licence issued under Part 5.

“(3) For the purposes of subsection (1) and this Part, every species or class of fish, aquatic life or seaweed that was, immediately before the commencement of this Part, subject to Part 2A of the Fisheries Act 1983 is deemed to have been declared by the Minister by notice under section 18 to be subject to the quota management system.

“17A Highly migratory species taken outside New Zealand fisheries waters

“(1) This section applies in relation to any stock of a highly migratory species (the **relevant stock**) that—

“(a) is subject to the quota management system in any area outside New Zealand fisheries waters; and

“(b) is taken in that area by an operator who is a New Zealand national using a New Zealand ship outside New Zealand fisheries waters.

“(2) Except as otherwise expressly provided in subsection (3) or elsewhere in this Part, this Part applies in relation to any relevant stock as if the area outside New Zealand fisheries waters in which it was taken were in fact within New Zealand fisheries waters.

- “(3) This section does not apply to fish taken from a relevant stock if the commercial fisher concerned can prove to the satisfaction of the chief executive that the amount of fish concerned was taken under the authority of, and, where national allocations for the species exist, against the national allocation of, another state that has agreed to comply with all international fisheries organisation management measures for the species concerned to which New Zealand has agreed.
- “(4) In any case where New Zealand law conflicts with the laws of a state in whose jurisdiction any relevant stock was taken, the laws of that other state prevail over New Zealand law.
- “(5) Subsection (4) does not abrogate the obligations of the commercial fisher under this Part and Part 10.

“Declaration of quota management system

“17B Determination that stock or species be subject to quota management system

- “(1) The Minister must make a determination under subsection (2) if satisfied that the current management of a stock or species—
- “(a) is not ensuring the sustainability of the stock or species; or
- “(b) is not providing for the utilisation of the stock or species.
- “(2) The Minister must determine to make the stock or species concerned subject to the quota management system, unless he or she determines that the purpose of this Act would be better met by setting one or more sustainability measures under section 11 (other than a total allowable catch set under section 13 or section 14).
- “(3) Before determining whether the criteria in subsection (1)(a) or (b) have been satisfied, and before making a determination under subsection (2) the Minister must consult those persons or organisations considered by the Minister to be representative of the classes of persons who have an interest in the relevant determination.
- “(4) As soon as practicable after making a determination under subsection (2), the Minister must give his or her reasons for the

determination in writing to any persons or organisations consulted under subsection (3).

- “(5) In the case of a stock or species listed in Schedule 4C,—
- “(a) the Minister may make a determination under subsection (2), regardless of whether or not the Minister is satisfied of the matters specified in subsection (1); and
 - “(b) if the Minister determines not to make the stock or species concerned subject to the quota management system,—
 - “(i) the Minister must notify that fact in the *Gazette* ; and
 - “(ii) from the date of that notification, the moratorium on the issue of fishing permits for that stock or species under section 93 ceases to apply; and
 - “(iii) the stock or species concerned must be removed from Schedule 4C from the date of that notification, and the notice must amend Schedule 4C (including any appropriate consequential amendments) accordingly.
- “(6) Despite subsection (2), the Minister may not determine under that subsection to make subject to the quota management system any stock of highly migratory species outside New Zealand fisheries waters except to give effect to—
- “(a) a national allocation to New Zealand by an international fisheries organisation in relation to that stock; or
 - “(b) any other management measures to which New Zealand has agreed, made by an international fisheries organisation in relation to that stock.
- “(7) The Minister must consult the Minister of Conservation before making a determination under this section in respect of any stock or species that is both—
- “(a) listed in Schedule 4C; and
 - “(b) listed in any of the appendices to the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

“18 Declaration that new stock subject to quota management system

If the Minister determines under section 17B to make a stock subject to the quota management system, the Minister must, by notice in the Gazette, declare the stock to be subject to the quota management system on and from the first day of the fishing year stated in the notice.”

6 Matters to be included in notice under section 18

(1) Section 19 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) In the case of a stock or species listed in Schedule 4C, the notice must amend that schedule by removing the stock or species concerned (and may make any amendments consequential on that removal) with effect on and from the date on which the stock becomes subject to the quota management system.”

(2) Section 19(8) of the principal Act is repealed.

7 New heading and sections inserted

The principal Act is amended by inserting, before the heading “Provisional catch history” immediately above section 30, the following heading and sections:

“Basis for allocation of quota

“29A Basis for allocation of quota

“(1) Except as provided in this section, quota must be allocated in accordance with section 29B.

“(2) Quota for the following stocks must be allocated on the basis of provisional catch history:

“(a) any stock or species listed in Schedule 4C, or any stock or species the subject of a *Gazette* notice under section 17B(5)(b), that is brought into the quota management system on or before 1 October 2009:

“(b) any stock or species listed in Schedule 4D that is brought into the quota management system on or before 1 October 2009:

“(c) tuna inside New Zealand fisheries waters:

- “(d) highly migratory species outside New Zealand fisheries waters.

“29B Allocation to Crown and Commission

- “(1) After the Minister has declared a stock to be subject to the quota management system (other than a stock specified in section 29A(2)), the chief executive must—
 - “(a) allocate 80000000 quota shares to the Crown; and
 - “(b) in accordance with section 44, allocate 20000000 quota shares to the Commission.
- “(2) The allocation takes effect on the first day of the fishing year in respect of which the stock becomes a quota management stock.”

8 Section 30 repealed

Section 30 of the principal Act is repealed.

9 Section 31 repealed

Section 31 of the principal Act is repealed.

10 Criteria of eligibility to receive provisional catch history for quota management stock

- (1) Section 32(1) of the principal Act is amended—
 - (a) by omitting the words “but the stock was not, immediately before the date of the publication of the notice, controlled by means of individual catch entitlements,”;
 - (b) by repealing subparagraph (i) of paragraph (a).
- (2) Section 32(1)(a) of the principal Act is amended by revoking subparagraph (iii), and substituting the following subparagraph:
 - “(iii) in the case of any highly migratory species outside New Zealand fisheries waters or tuna inside New Zealand fisheries waters, at any time during any applicable qualifying year,—
 - “(A) held a fishing permit or high seas fishing permit issued under section 63 of the Fisheries Act 1983 or under section 91 or section 113H of this Act that authorised the holder to take the stock; or

- “(B) in the judgment of the chief executive, held a valid authority to take the stock using a New Zealand ship in the national fisheries jurisdiction of a foreign country; or.”
- (3) Section 32 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:
- “(2) For the purposes of this Part, an **eligible return**—
- “(a) means a lawfully completed catch landing return or a catch, effort, and landing return as referred to in the Fisheries (Reporting) Regulations 2001 or the Fisheries (Reporting) Regulations 1990 that—
- “(i) in the case of any stock referred to in subparagraph (ii) or subparagraph (iii) of subsection (1)(a), was given to the chief executive on or before the 15th day after the close of each applicable qualifying year; or
- “(ii) in any other case, was given to the chief executive on or before 15 October 1994:
- “(b) includes, in relation to any highly migratory species, any lawfully completed return that—
- “(i) is of a kind required by or under section 113K, or recognised for the purposes of this section by regulations made under section 297(1)(ha); and
- “(ii) was given to the chief executive on or before the 15th day after the close of each applicable qualifying year, or on or before such later date as may be specified for the purpose by regulations made under section 297(1)(ha).’ ”

11 Application of Part 4 to estate of deceased fishing permits holder

Section 32A of the principal Act is amended by adding the following subsection:

- “(4) In this section, **fishing permit** includes a high seas fishing permit issued under section 113H.”

12 Section 32B repealed

Section 32B of the principal Act is repealed.

13 Calculation of provisional catch history

- (1) Section 34(1)(a) of the principal Act is amended by omitting the expression “section 33(a)”, and substituting the expression “section 33(a)(i)”.
- (2) Section 34(1)(b) of the principal Act is amended by omitting the word “If”, and substituting the words “Subject to subsection (1A), if”.
- (3) Section 34 of the principal Act is amended by inserting, after subsection (1), the following subsection:
“(1A) Despite subsection (1)(b), the provisional catch history of a person in respect of highly migratory species (other than southern bluefin tuna) taken outside New Zealand fisheries waters—
 - “(a) must be calculated in the prescribed manner (if any) in accordance with regulations made under section 297(1)(hb) for the purpose of ensuring consistency of the calculation with the method used by the relevant international fisheries organisation in determining New Zealand’s national allocation; and
 - “(b) subject to paragraph (a), is the total weight of eligible catch reported in the person’s eligible returns divided by the number of qualifying years.”
- (4) Section 34(2)(b) of the principal Act is amended by omitting the words “southern bluefin tuna”, and substituting the words “highly migratory species”.

14 Notification of eligibility to receive provisional catch history

- (1) Section 35(1) of the principal Act is amended—
 - (a) by omitting from paragraph (c) the expression “section 33(a)”, and substituting the expression “section 33(a)(i)”:
 - (b) by inserting in paragraph (d), after the word “If”, the words “paragraph (a)(i) or”.
- (2) Section 35 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:
“(3) Within 10 working days after the date specified in subsection (2)(e), the chief executive must publicly notify—

- “(a) that provisional catch history has been allocated for the stock; and
 - “(b) the location where information on the criteria of eligibility for an allocation of provisional catch history and quota can be found; and
 - “(c) the location where information on the process for notifying the chief executive of an objection to the non-allocation of provisional catch history can be found; and
 - “(d) the date by which a person to whom subsection (5) applies must lodge their notification under that subsection with the chief executive.”
- (3) Section 35(4)(b) of the principal Act is amended by omitting the words “If paragraph (b) or paragraph (c) of section 33 of this Act applies,”.
- (4) Section 35(6) of the principal Act is repealed.

15 Sections 38 to 41 repealed

Sections 38 to 41 of the principal Act, and the heading immediately above section 39, are repealed.

16 Commission entitled to 20 percent of total new quota

Section 44 of the principal Act is amended—

- (a) by omitting from subsection (2) the words “Subject to subsection (3),”;
- (b) by inserting in subsection (2), after the words “is allocated under”, the words “section 29B or”;
- (c) by repealing subsection (3).

17 Criteria of eligibility to receive quota

Section 45(a) of the principal Act is amended by repealing subparagraph (i), and substituting the following subparagraph:

- “(i) a holder of a fishing permit or a high seas fishing permit (or, in the judgment of the chief executive, a person holding a valid authority to fish in the national fisheries jurisdiction of a foreign country; or”.

18 Withholding of quota for non-payment of cost recovery levies or deemed values

Section 46 of the principal Act is amended by inserting, after the words “fishing permit”, the words “or high seas fishing permit”.

19 Allocation of quota on basis of provisional catch history

(1) Section 47(1) of the principal Act is amended—

- (a) by omitting the words “Subject to sections 50A to 50G,”;
- (b) by omitting the words “section 43 of this Act”, and substituting the words “section 43 and to subsection (1A) of this section”.

(2) Section 47 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) If the total allowable commercial catch for a stock is equal to zero, then the amount of provisional individual transferable quota or individual transferable quota to be allocated under subsection (1) must be determined in accordance with subsection (1)(b).”

20 Notification of allocation of quota

Section 48(2) of the principal Act is repealed.

21 Unallocated total allowable commercial catch to be held by the Crown

Section 49(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

“(b) if no appeals under section 51 have been lodged in respect of that stock, in the form of individual transferable quota.”

22 New section inserted

The principal Act is amended by inserting, after section 49, the following section:

“49A Surrender of quota to Crown

Any owner of quota who does not also hold any fishing permit, high seas fishing permit, licence, vessel registration, or approval under this Act may, if the quota is not subject to

any caveat, mortgage, or other interest registered on the quota register, surrender that quota to the Crown.”

23 Sections relating to Schedule 4 stocks repealed

- (1) Sections 50A to 50G of the principal Act, and the heading immediately above section 50A, are repealed.
- (2) Despite subsection (1), sections 50A to 50G of the principal Act continue to apply on and after 1 October 2004 in respect of freshwater eels in the North Island, kahawai, and southern bluefin tuna, to the extent necessary to complete any processes required or envisaged by those sections in respect of making those stocks subject to the quota management system.

24 Rights of appeal

- (1) Section 51(1) of the principal Act is amended—
 - (a) by omitting the words “or section 41”:
 - (b) by repealing paragraph (a):
 - (c) by omitting from paragraph (b) the word “other” (where it appears before subparagraph (i)):
 - (d) by inserting in subparagraphs (i) and (iv) of paragraph (b), in each case after the words “fishing permit”, the words “or high seas fishing permit (or authorisation referred to in section 45(a)(i))”.
- (2) Section 51(2) of the principal Act is amended—
 - (a) by omitting the words “or section 41(1)(b)”:
 - (b) by omitting the words “or section 39(1)(b)”.

25 Effect of decision to alter provisional catch history

- (1) Section 52(1) of the principal Act is amended by repealing paragraph (c) (and also the word “; or” at the end of paragraph (b))
- (2) Section 52(4) of the principal Act is amended—
 - (a) by omitting the words “or in which a dispute about the transfer of relevant provisional catch history under section 38 of this Act has been resolved”:
 - (b) by repealing paragraph (c) (and also the word “; and” at the end of paragraph (b)).

- (3) Section 52(4A) of the principal Act is amended by omitting the expression “subsections (3)(d) and (4)(c)”, and substituting the expression “subsection (3)(d)”.

26 Calculation of entitlement to quota following appeal

Section 53(3) of the principal Act is repealed.

27 Determination or order not to affect quota allocated to commission

Section 55(b) of the principal Act is amended by omitting the words “whether the order relates to an appeal from the Committee in respect of a transfer dispute or”, and substituting the words “where the order”.

28 Minister to create additional annual catch entitlement if total allowable catch increased during fishing year

- (1) Section 68(2) of the principal Act is amended by omitting the expression “subsection (3)”, and substituting the expression “subsections (2A), (2B), and (3)”.
- (2) Section 68 of the principal Act is amended by inserting, after subsection (2), the following subsections:

“(2A) Where—

“(a) an increase in the total allowable catch for a highly migratory species is a result of an agreement, consistent with the rules or procedures established by the relevant international fisheries organisation, between New Zealand and another member of the international fisheries organisation; and

“(b) the Minister is satisfied that the basis for the increase in the total allowable catch justifies a different allocation mechanism,—

the Minister may determine how the additional annual catch entitlement is to be allocated in a manner different to that specified in subsection (2), taking into account the nature and basis of the agreement between New Zealand and the other member of the international fisheries organisation.

“(2B) The chief executive must allocate the additional catch entitlement in accordance with any determination of the Minister under subsection (2A).”

(3) Section 68(3) of the principal Act is amended by inserting, after the expression “subsection (2)”, the words “or subsections (2A) and (2B)”.

29 Minister to set deemed value rates

Section 75(1) of the principal Act is amended by omitting the word “until”, and substituting the word “unless”.

30 Catch to be counted against catch entitlement

Section 76 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) In this section and sections 78, 79, and 80, unless the context otherwise requires, **commercial fisher** means any person who, at any time during the relevant fishing year,—

- “(a) held a fishing permit or a high seas fishing permit; or
- “(b) was a person using a New Zealand ship who, in the judgment of the chief executive, held a valid authority to fish against New Zealand’s national allocation of highly migratory species in the national fisheries jurisdiction of a foreign country.”

31 Catch in excess of over-fishing thresholds

Section 78(2) of the principal Act is amended by omitting the expression “subsection (10)”, and substituting the expression “subsection (11)”.

32 Calculation of foreign allowable catch

(1) Section 81(1) of the principal Act is amended by omitting from paragraphs (a) and (c) the word “each”, and substituting in each case the word “a”.

(2) Section 81 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

“(3) For the purposes of subsection (2)(b), the Crown’s available annual catch entitlement for a stock is the Crown’s holding of annual catch entitlement for the stock that—

- “(a) is generated from unencumbered quota held by the Crown; and
- “(b) remains unsold after the Crown has offered the annual catch entitlement for sale to persons entitled to own quota.”
- (3) Section 81 of the principal Act is amended by adding the following subsection:
- “(7) Nothing in this section applies in relation to any highly migratory species.”

33 Apportionment of foreign allowable catch for foreign fishing vessels

Section 82(1) of the principal Act is amended by inserting, after the words “of any stock”, the words “(other than any highly migratory species)”.

34 Issue of licences

Section 83 of the principal Act is amended by inserting, after subsection (2), the following subsection:

- “(2A) In the case of an application to fish for any highly migratory species, the Minister may issue a licence under subsection (2) only if the Minister considers that to do so would be consistent with the optimum utilisation of that species within the exclusive economic zone.”

35 All fishing to be authorised by fishing permit unless specific exemption held

Section 89 of the principal Act is amended by repealing subsections (2A) and (2B), and substituting the following subsection:

- “(2A) Despite subsection (1), a person may take fish, aquatic life, or seaweed of a stock or species listed in Schedule 4C if it is taken as the inevitable consequence of the taking of other fish, aquatic life, or seaweed under the authority of and in accordance with a current fishing permit.”

36 Issue of fishing permit

Section 91 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) A fishing permit authorises the taking of—
- “(a) any stocks that are subject to the quota management system; and
 - “(b) any stocks or species that are neither subject to the quota management system nor listed in Schedule 4C; and
 - “(c) any stocks or species listed in Schedule 4C that are listed on a fishing permit held by the commercial fisher.”

37 Fishing permit may be subject to conditions

- (1) Section 92 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

- “(1) A fishing permit must—
- “(a) state that it authorises the taking of—
 - “(i) stocks that are subject to the quota management system; and
 - “(ii) stocks or species that are neither subject to the quota management system nor listed in Schedule 4C; and
 - “(b) list those stocks or species listed in Schedule 4C that the fishing permit holder, following application by that permit holder, is authorised to take.
- “(1A) A fishing permit may be subject to any conditions that the chief executive considers appropriate, including—
- “(a) conditions relating to—
 - “(i) areas or methods:
 - “(ii) the use or non-use of vessels, and the specific vessel (if any) that may be used:
 - “(iii) types and amounts of fishing gear:
 - “(iv) the taking or handling of fish, aquatic life, or seaweed:
 - “(v) places where fish, aquatic life, or seaweed may be landed:
 - “(vi) periods of time within which the permit holder may take fish, aquatic life, or seaweed:
 - “(b) conditions that the chief executive may impose under section 78(6) as conditions of an approval to take fish,

aquatic life, or seaweed despite a commercial fisher's catch having exceeded an over-fishing threshold or tolerance level."

- (2) Every fishing permit issued before 1 October 2004 (other than a replacement permit issued under subsection (3)) is deemed to expire on that date.
- (3) The chief executive must, as soon as practicable and without need for application or payment of a fee, issue a replacement fishing permit for any existing fishing permit due to expire under subsection (2) that—
 - (a) states the matters referred to in section 92(1) of the principal Act (as substituted by subsection (1) of this section); and
 - (b) except to the extent that they may no longer be applicable on and after 1 October 2004, repeats the conditions imposed under the existing permit.
- (4) Subsection (3) comes into force on the day on which this Act receives the Royal assent.

38 Qualifications for holding fishing permit and moratorium

- (1) Section 93(1) of the principal Act is amended by omitting the words "for the time being not subject to the quota management system under this Act", and substituting the words "of a stock or species listed in Schedule 4C".
- (2) Section 93(2) of the principal Act is amended by omitting the words "stock that is for the time being not subject to the quota management system under this Act or Part 2A of the Fisheries Act 1983", and substituting the words "stock or species listed in Schedule 4C".

39 Powers of high seas fishery inspectors in relation to foreign vessels

Section 113S(1)(b) of the principal Act is amended by repealing subparagraph (ii), and substituting the following subparagraph:

- "(ii) a member of or participant in that organisation or arrangement, and that organisation or arrangement has established boarding

and inspection procedures as provided in Article 21.2 of the Fish Stocks Agreement.”

40 Persons on New Zealand ships to co-operate with foreign high seas inspectors

- (1) Section 113W(1) of the principal Act is amended by repealing paragraph (c) and also the word “and” at the end of paragraph (b).
- (2) Section 113W(2) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:
“(ba) New Zealand is a member of the organisation or arrangement; and”.

41 Visits by foreign ships

- (1) Section 113ZD of the principal Act is amended by inserting in subsections (1) and (2)(a), in each case after the words “internal waters”, the words “or a port”.
- (2) Section 113ZD(2) is amended by repealing paragraph (b), and substituting the following paragraph:
“(b) if it has entered the internal waters or a port of New Zealand, to leave those waters or that port.”
- (3) Section 113ZD of the principal Act is amended by inserting in subsections (3) and (4), in each case after the words “internal waters”, the words “or a port”.
- (4) Section 113ZD of the principal Act is amended by repealing subsection (5), and substituting the following subsection:
“(5) This section does not prevent a vessel from entering or remaining in the internal waters or a port of New Zealand in the case of *force majeure*, subject to any conditions set by the chief executive.”

42 New section substituted

The principal Act is amended by repealing section 153, and substituting the following section:

“153 Effect of decrease in quota shares

- “(1) This section applies where—
“(a) either—

- “(i) a transfer of quota shares in any stock to any person holding preferential allocation rights under section 23 necessitates a deduction of quota shares under that section from any quota owner; or
 - “(ii) any determination of an appeal under section 51 necessitates a deduction of quota shares under section 52 from any quota owner (other than the quota owner involved in the appeal); and
 - “(b) as a result of the deduction, the number of quota shares in that stock held by the owner is less than the total number of quota shares in that stock subject to a mortgage or caveat immediately before the deduction.
- “(2) Where a deduction referred to in subsection (1)(a)(i) is required and there are one or more mortgages or caveats registered over the quota shares owned by the quota owner, then the number of shares secured by any one or more of those mortgages or caveats must be reduced in the manner prescribed by regulations made under this Act in accordance with the quota share reduction principles set out in subsection (4).
- “(3) If any quota owner, or the chief executive, has appealed under section 51 of this Act in relation to any stock, then, when the appeal is finally determined,—
- “(a) all provisional individual transferable quota for the relevant stock owned by that quota owner must, at the chief executive’s direction, be transferred to the Crown in accordance with section 52; and
 - “(b) if any provisional individual transferable quota shares so transferred were subject to a mortgage or caveat, the mortgage or caveat ceases to apply to the transferred provisional individual transferable quota shares, and instead applies to the same number of individual transferable quota shares transferred to that quota owner under section 52 (if possible); and
 - “(c) if, as a result of such transfers, the number of individual transferable quota shares in the relevant stock owned by the quota owner is less than the number of provisional individual transferable quota shares that were subject to the mortgage or caveat and there are one or more

mortgages or caveats registered over the provisional individual transferable quota shares owned by the quota owner, then the number of shares secured by any one or more of those mortgages or caveats must be reduced in the manner prescribed by regulations made under this Act in accordance with the quota share reduction principles set out in subsection (4).

- “(4) The quota share reduction principles referred to in subsections (2) and (3)(c) are as follows:
- “(a) the total number of shares subject to any individual caveat may not exceed the total number of shares owned by the quota owner concerned:
 - “(b) the total number of shares subject to all caveats may exceed the total number of shares owned by the quota owner:
 - “(c) where quota shares subject to caveats must be reduced, they must be reduced to equal the number of shares owned by the quota owner:
 - “(d) the total number of shares subject to all mortgages may not exceed the total number of shares owned by the quota owner concerned:
 - “(e) the total number of shares subject to all mortgages and caveats that were registered prior to the last registered mortgage may not exceed the total number of shares owned by the quota owner:
 - “(f) where quota shares subject to mortgages must be reduced, the shares subject to the most recently registered mortgage must be reduced first, and the shares subject to any earlier registered mortgage may only be reduced after the first-mentioned mortgage has had its security eliminated completely by the reduction.
- “(5) The chief executive must make on the register any entry necessary to show that the quota has been transferred in accordance with section 23 or section 52, and alter any relevant mortgage or caveat accordingly.”

43 Chief executive may transfer quota or annual catch entitlement

Section 163(1)(b) of the principal Act is amended by omitting the words “of this Act or the resolution of any dispute under section 38 of this Act”.

44 New section inserted

The principal Act is amended by inserting, after section 188, the following section:

“188A Spat ratio

- “(1) For the purpose of determining spat catch in circumstances where spat can only practically be harvested when attached to another species or kind of fish, aquatic life, or seaweed, the chief executive may, by notice in the *Gazette*, set a ratio of spat to the other species or kind of fish, aquatic life, or sea-weed that translates the weight or quantity of material taken, when taken or landed or at any other stage specified in the notice, to a weight or quantity of spat and a weight or quantity of the other species or kind of fish, aquatic life, or seaweed.
- “(2) Before setting a spat ratio, the chief executive must consult with such bodies or persons as the chief executive considers appropriate in the circumstances.
- “(3) Except as otherwise provided in the notice, the ratio set by the notice must for all purposes (including any proceedings for an offence against this Act or any regulations made under this Act) be used to determine—
- “(a) the weight or quantity of spat taken or landed with the other species or kind of fish, aquatic life, or seaweed; and
- “(b) if appropriate, the weight or quantity of the other species or kind of fish, aquatic life, or seaweed.”

45 Issue of warrants and conferral of powers

- (1) Section 198(1)(b)(iii) of the principal Act is amended by omitting the words “The species”, and substituting the words “if appropriate, the species”.
- (2) Section 198 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) Except as otherwise specified in the warrant, a warrant issued to an honorary fishery officer under subsection (1)(b) applies to all species or stocks of fish, aquatic life, or seaweed.”

46 Power of arrest

Section 203(2) of the principal Act is amended by omitting all the words after the words “supply to that fishery officer”, and substituting the words “the person’s full legal name, any other name by which the person is commonly known, and the person’s date of birth, actual place of residence, and occupation.”

47 Penalties

- (1) Section 252(5)(ha) of the principal Act is amended by inserting, after the expression “186A(8)”, the words “or section 186B(7)”.
- (2) Section 252(6)(c) of the principal Act is amended by inserting, after the expression “186A(8)”, the words “or section 186B(7)”.

48 Forfeiture where person liable to pay fine up to \$100,000

Section 255B of the principal Act is amended—

- (a) by omitting from the section heading the words “fine up to \$100,000”, and substituting the words “fine exceeding \$10,000 but less than \$100,000”;
- (b) by omitting from subsection (1)(d) the words “a fine exceeding \$10,000 but not exceeding \$100,000”, and substituting the words “a maximum fine exceeding \$10,000 but less than \$100,000”.

49 Forfeiture for section 252(2), (3), and (5) offences, offences carrying fine of \$100,000, repeat offences, and serious non-commercial offences

- (1) Section 255C(1)(b) of the principal Act is amended by omitting the words “a fine of \$100,000”, and substituting the words “a maximum fine of \$100,000”.
- (2) Section 255C of the principal Act is amended by adding the following subsection:

“(4) Subsection (2) does not apply to require the forfeiture of—

- “(a) any foreign flagged vessel in respect of an offence committed outside New Zealand fisheries waters; or
- “(b) any fish on board or property associated with such a vessel in respect of such an offence.”

50 Provisions relating to forfeit property

Section 256 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- “(2) Where—
- “(a) the forfeiture occurs under any of sections 255B to 255D; and
 - “(b) the forfeit property has a total estimated value of \$200 or more,—
the chief executive must, within 10 working days after the date of the forfeiture, publicly notify the details of the forfeit property, and the right of any person to apply to the court for relief from the effects of forfeiture.”

51 Infringement notices

Section 260B of the principal Act is amended by inserting, after subsection (1), the following subsection:

- “(1A) Every infringement offence reminder notice must be in an approved form, and must include the same particulars, or substantially the same particulars, as the infringement notice.”

52 Use of outside agencies in performance of functions under Act

Section 294 of the principal Act is amended by inserting, after subsection (4), the following subsection:

- “(4A) The chief executive may, after consultation with the Minister and the other party to the arrangement or contract, amend or revoke contract standards and contract specifications set under subsection (4).”

53 Notification of appointments and places for provision of information

Section 295 of the principal Act is amended by omitting from subsections (2) and (3) the word “properly”.

54 New section inserted

The principal Act is amended by inserting, after section 296Z, the following section:

“296ZAA Suspension of permit and refusal of services for non-payment of fees

- “(1) The chief executive may, by notice in writing, after giving a person prior notice in writing of the chief executive’s intention to do so, suspend a fishing permit or licence held by the person or refuse to accept for registration any caveat, mortgage, transfer of annual catch entitlement, or transfer of quota shares, or refuse to accept any application for vessel registration or application for the registration of an automatic location communicator, if—
- “(a) the person is liable to pay any fee charged under section 296Z; and
 - “(b) the person has not paid the fee in full within 2 months after the date on which payment of the fee became due, or within the time allowed under an arrangement with the chief executive, as the case may be.
- “(2) The chief executive may suspend a fishing permit or licence or refuse to provide the services specified in subsection (1) regardless of whether or not the fee has been charged on the person as a holder of the permit or licence.
- “(3) If the person holds 2 or more fishing permits or licences, the chief executive may suspend such of the permits or licences as he or she considers appropriate.
- “(4) A fishing permit or licence suspended under this section has no effect during the period of the suspension.
- “(5) Any application for registration of a caveat, mortgage, transfer of annual catch entitlement, or transfer of quota shares, and any application for vessel registration or for the registration of an automatic location communicator is not effective during the period of suspension.
- “(6) The chief executive must lift a suspension imposed under this section or provide the services that have been refused under this section—
- “(a) if the outstanding fee is paid to the chief executive; or

“(b) the chief executive and the person liable to pay the outstanding amount of the fee enter into an arrangement for repayment of that amount.

“(7) A court may at any time, on application by the holder of a fishing permit or licence that has been suspended under this section or a person to whom the services specified in subsection (1) have been refused, make an order lifting the suspension subject to any sureties and conditions specified by the court.”

55 General regulations

(1) Section 297(1)(b) is repealed.

(2) Section 297(1) of the principal Act is amended by inserting, after paragraph (h), the following paragraphs:

“(ha) recognising, for the purposes of section 32(2)(b), any form of return or evidence of highly migratory species catch taken in an area outside New Zealand fisheries waters, and specifying any relevant date for the delivery of such return or evidence to the chief executive:

“(hb) providing for the method of calculating provisional catch history for any highly migratory species to ensure consistency with the method used by an international fisheries organisation in determining New Zealand’s national allocation for that species:”.

(3) Section 297(1)(nb) of the principal Act is amended by inserting, after the words “infringement notices”, the words “and infringement offence reminder notices”.

56 Certain notices to have status of regulations

Section 303 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) Subsection (1) does not apply to any notice given under any of sections 11, 13, 14, 16, 20, 56, 60, 175, 188, 283, 295, 296P, 307, 341, 350, 368, and 369.”

57 Protection of Crown, etc

(1) Section 308(2) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

- “(ba) any provision of this Act providing or having the effect that catch history ceases to be the basis for quota allocation for any stock or species; or”.
- (2) Section 308(2)(c) of the principal Act is amended—
- (a) by inserting, after the expression “26,”, the expression “29A,”;
 - (b) by omitting the expression “38”;
 - (c) by omitting the expression “and 369F”, and substituting the expression “369F, and 369T”.

58 Allocation of quota

Section 363(1) of the principal Act is amended by omitting the expression “38,”.

59 New headings and sections inserted

- (1) The principal Act is amended by inserting, after section 369R, the following headings and sections:

*“Introduction of green-lipped mussel in quota
management area 9 into quota management
system*

“369S Green-lipped mussel in quota management area 9 subject to quota management system

- “(1) On 1 October 2004 green-lipped mussel in quota management area 9 become subject to the quota management system under Part 4.
- “(2) The fishing year for green-lipped mussel in quota management area 9 is the 12-month period commencing on 1 October.
- “(3) The total allowable commercial catch and annual catch entitlement for green-lipped mussel in quota management area 9 are to be expressed in greenweight.
- “(4) In this section, the reference to quota management area 9 is a reference to the fishery management area 9 described in Part 1 of Schedule 1.
- “(5) Each person named in the first column of Schedule 15 is allocated the amount of quota shares for green-lipped mussel in quota management area 9 set out in the third column of that schedule opposite that person’s name.

“Allocation of quota for pipi in quota management area 1A

“369T Allocation of quota for pipi in quota management area 1A

- “(1) In this section, the reference to pipi in quota management area 1A is a reference to pipi in the quota management area described in Schedule 4 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2003.
- “(2) Each person named in the first column of Schedule 16 is allocated the amount of quota shares for pipi in quota management area 1A set out in the third column of that schedule opposite that person’s name.
- “(3) Despite any other enactment, no person is entitled to be allocated individual transferable quota for pipi in quota management area 1A unless the allocation is authorised by this section.
- “(4) Notwithstanding anything in this Act, any—
- “(a) allocation of provisional catch history of pipi in quota management area 1A; or
 - “(b) transfer of provisional catch history of pipi in quota management area 1A; or
 - “(c) decision on eligibility to receive provisional catch history or eligibility to receive quota of pipi in quota management area 1A; or
 - “(d) appeal to the Catch History Review Committee of pipi in respect of quota management area 1A—
made or done before the commencement of the section is deemed to be of no effect.”
- (2) As soon as practicable after the date on which this subsection comes into force, the chief executive must notify every person named in Schedule 15 or Schedule 16 of the principal Act of the amount of quota shares allocated to that person under that schedule.
- (3) The Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2003 (SR 2003/277) is amended—
- (a) by omitting from clause 4(1) the words “, except as provided in subclause (2)”:

- (b) by revoking clause 4(2):
- (c) by omitting from the second, third, and fourth columns of the item relating to green-lipped mussel in Schedule 1 the item relating to MSG9.

60 Repeal of spent transitional provisions

Sections 317, 332 to 337, 339, 340, 340AA, 340A, 342 to 344, 347A, 349 to 352, 354 to 356, 358A, 361, 362, 365, 369G, 369H, 369J, and 369K of the principal Act are repealed.

61 New schedules substituted

The principal Act is amended by repealing Schedule 4 and Schedule 4A, and substituting the Schedules 4B, 4C, and 4D set out in Schedule 1 of this Act.

62 Schedule 9A amended

Schedule 9A of the principal Act is amended by repealing all 7 items relating to spiny dogfish, and substituting the following items:

Spiny dogfish	SPD1	4 297
Spiny dogfish	SPD3	62 229
Spiny dogfish	SPD4	17 160
Spiny dogfish	SPD5	56 634
Spiny dogfish	SPD7	20 341
Spiny dogfish	SPD8	3 284

63 New Schedules 15 and 16 added

The principal Act is amended by adding the Schedules 15 and 16 set out in Schedule 2 of this Act.

64 Fisheries Amendment Act 2004 amended

Section 12 of the Fisheries Amendment Act 2004 is amended by repealing subsection (2), and substituting the following subsections:

- “(2) The Governor-General may, by Order in Council,—
- “(a) amend Schedule 9A of the principal Act for the purpose of updating any stock or species code reference to ensure consistency with other regulations, rules, or orders made under the principal Act:
 - “(b) where any settlement sum allocated under that schedule is allocated to a species generally rather than one or more stocks in specified quota management areas, on the advice of the Minister given after having regard to the total allowable commercial catch fixed for each quota management area, amend that schedule to allocate the settlement sum between different stocks of that species in different quota management areas:
 - “(c) amend that schedule to reflect the remaining balance of all or any settlement sums remaining as at a specified date.
- “(3) An Order in Council made under subsection (2) may repeal and replace Schedule 9A of the principal Act to incorporate any amendments authorised under that subsection, and may also correct any clerical errors or errors in calculation of a settlement sum.”

65 Regulations amended

- (1) The Fisheries (Commercial Fishing) Regulations 2001 (SR 2001/253) are amended by revoking Part 5 and Schedule 5.
- (2) The Schedule of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 3) 2003 (SR 2003/303) is amended by inserting in the third column of the item relating to southern bluefin tuna, after the words “the high seas”, the words “and any other waters outside New Zealand fisheries waters”.
- (3) All consultations, decisions, and other actions taken by the Minister or the chief executive before the commencement of this section in preparation for or otherwise in relation to bringing southern bluefin tuna into the quota management system are, notwithstanding that they may have been taken in relation only to the high seas parts of any waters beyond New Zealand fisheries waters, to be treated as equally validly done and to

apply in relation to all waters outside New Zealand fisheries waters.

66 Regulations revoked

The Fisheries (Allocation of Individual Catch Entitlement) Regulations 1999 (SR 1999/24) are revoked.

Saving of individual catch entitlement as basis for allocation of provisional catch history for certain seaweed stocks

67 Retention of individual catch entitlement provisions for certain seaweeds

- (1) This section applies in respect of the following seaweed stocks (the **relevant stocks**):
 - (a) bull kelp (*Durvillea* spp) with fishstock code KBL2:
 - (b) bladder kelp (*Macrocystis pyrifera*) with fishstock code KBB4:
 - (c) porphyra (*Porphyra* spp) with fishstock code PRP3.
- (2) Despite anything in Part 1 of this Act, if and when any of the relevant stocks are brought into the quota management system the allocation of provisional catch history for those stocks must be made on the basis of individual catch entitlements.
- (3) For this purpose, the principal Act must be read as if—
 - (a) the definition of **individual catch entitlement** in section 2(1) of that Act had not been repealed by section 3(5) of this Act:
 - (b) section 31 of the principal Act had not been repealed by section 8 of this Act, and section 29A of that Act (as inserted by section 7 of this Act) did not apply:
 - (c) section 32(1) of the principal Act had not been amended in the manner set out in section 10(1) of this Act:
 - (d) sections 39 to 41 of the principal Act had not been repealed by section 15 of this Act:
 - (e) section 51 of the principal Act had not been amended in the manner set out in section 24 of this Act:
 - (f) section 92(1A)(a)(i) of the principal Act (as substituted by section 37 of this Act) read as if it referred to quantities, as well as to areas or methods.

- (4) The fishstock codes used in subsection (1) have the same meanings as in Parts 1 and 2 of Schedule 3 of the Fisheries (Reporting) Regulations 2001.

Part 2
Amendments to Fisheries Act 1983 in
respect of spat catching permits

68 Fisheries Act 1983 referred to as principal Act

In this Part, the Fisheries Act 1983 is called “the principal Act”.

69 Authority to catch spat

Section 67Q of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- “(2) A spat catching permit may only be granted—
- “(a) where exclusive occupation of space is required; and
 - “(b) to the holder of—
 - “(i) a coastal permit relating to the spat catching activity (not being a coastal permit to which section 150E(3) or (6) of the Resource Management Act 1991 applies); or
 - “(ii) a certificate of compliance relating to the spat catching activity; or
 - “(iii) a marine farming licence or lease for that site.”

70 Revocation of certain spat catching permits

All spat catching permits issued under section 67Q(2) of the principal Act (as in force before its repeal and replacement by section 69 of this Act) that—

- (a) were issued for waters adjacent to Ninety Mile Beach in fishery management area 9; and
 - (b) are not permits of a kind that require or envisage the exclusive occupation of space or structures—
- are revoked.
-

Schedule 1 s 61
**New Schedules 4B, 4C, and 4D inserted
in principal Act**

Schedule 4B s 2(1) and (4)
Highly migratory species

Frigate mackerel (*Auxis thazard*)

Mahi mahi (*Coryphaena hippurus*, *Coryphaena equiselis*)

Marlin, sailfish, and spearfish:

Atlantic sailfish (*Istiophorus albicans*)

black marlin (*Makaira indica*)

blue marlin (*Makaira nigricans*)

Indo-Pacific sailfish (*Istiophorus
platypterus*)

striped marlin (*Tetrapturus audax*)

white marlin (*Tetrapturus albidus*)

longbill spearfish (*Tetrapturus pfluegeri*)

Mediterranean spearfish (*Tetrapturus
belone*)

roundscale spearfish (*Tetrapturus georgei*)

short billed spearfish (*Tetrapturus
angustirostris*)

Ray's bream (*Brama brama*)

Sharks:

bigeye thresher (*Alopias superciliosus*)

blue shark (*Prionace glauca*)

bronze whaler (*Carcharhinus brachyurus*)

Schedule 4B—*continued*

Galapagos shark (*Carcharhinus galapagensis*)

longfin mako (*Isurus paucus*)

oceanic white tip (*Carcharhinus longimanus*)

Porbeagle shark (*Lamna nasus*)

shortfin mako (*Isurus oxyrinchus*)

silky shark (*Carcharhinus falciformis*)

smooth hammerhead (*Sphyrna zygaena*)

tiger shark (*Galeocerdo cuvier*)

Family Alopiidae

Family Carcharhinidae

Swordfish (*Xiphias gladius*)

Tuna:

albacore tuna (*Thunnus alalunga*)

Atlantic bluefin tuna (*Thunnus thynnus*)

bigeye tuna (*Thunnus obesus*)

blackfin tuna (*Thunnus atlanticus*)

kawakawa (*Euthynnus affinis*)

little tuna (*Euthynnus alletteratus*)

Pacific bluefin tuna (*Thunnus orientalis*)

skipjack tuna (*Katsuwonus pelamis*)

Schedule 4B—*continued*southern bluefin tuna (*Thunnus maccoyii*)yellowfin tuna (*Thunnus albacares*)**Schedule 4C**ss 17B(5), 19(2A), 29A(2),
89(2A), 91(3), 92(1), and
93**Stocks and species subject to section 93
permit moratorium**

Species	Fisheries management area
Vertebrates (<i>fish</i>):	
basking shark (<i>Cetorhinus maximus</i>)	1 to 10
hammerhead shark (<i>Sphyrna zygaena</i>)	1 to 10
lamprey (<i>Geotria australis</i>)	3, 5, 7
seahorse (<i>Hippocampus abdominalis</i>)	1 to 10
sharpnose sevengill shark (<i>Heptranchias perlo</i>)	1 to 10
whale shark (<i>Rhincodon typus</i>)	1 to 10
Invertebrates:	
black mussel (<i>Xenostrobus pulex</i>)	1 to 10
blue mussel (<i>Mytilus galloprovincialis</i>)	1 to 10
catseye (<i>Turbo smaragdus</i>)	1 to 10

Schedule 4C—*continued*

Species	Fisheries management area
cockle (<i>Chione (Austrovenus) stutchburyi</i>)	all areas outside existing cockle quota management areas 1A, 3, 7A, and 7B
crabs-members of the Family Grapsidae, namely:	1 to 10
common rock crab (<i>Hemigrapsus edwardsi</i>)	
hairy-handed crab (<i>Hemigrapsus crenulatus</i>)	
northern smooth shore crab (<i>Cyclograpsus insularum</i>)	
purple rock crab (<i>Leptograpsus variegatus</i>)	
red rock crab (<i>Plagusia chabrus</i>)	
smooth shore crab (<i>Cyclograpsus lavauxi</i>)	
tunnelling mud crab (<i>Helice crassa</i>)	
freshwater mussel (<i>Hyridella menziesii</i>)	3, 5, 7

Schedule 4C—*continued*

Species	Fisheries management area
king clam (<i>Panopea zelandica</i>)	1 to 10
koura (<i>Paranephrops planifrons</i> , <i>Paranephrops zealandicus</i>)	3, 5, 7
limpets (<i>Cellana ornata</i> , <i>Cellana radians</i> , <i>Notoacmea scopulina</i>)	1 to 10
mudsnail (<i>Amphibola crenata</i>)	1 to 10
pipi (<i>Paphies australis</i>)	all areas outside existing pipi quota management area 1A
scallop (<i>Pecten novaezelandiae</i>)	all areas outside existing scallop quota management areas 1, CS, 4, and 7
sea anemone (<i>Actinia</i> spp)	8
sponges (<i>Phylum Porifera</i>)	1 to 10
topshells-members of the Family Trochidae, namely:	1 to 10
	<i>Melagraphia</i> <i>aethiops</i>
	<i>Diloma zelandica</i>
	<i>Diloma arida</i>
	<i>Diloma subrostrata</i>
	<i>Diloma</i> <i>bicanaliculata</i>

Schedule 4C—*continued*

Species	Fisheries management area
tuatua (<i>Paphies subtriangulata</i>)	1 to 10
whelks (<i>Thais orbita</i> , <i>Lepsiella scobina</i> <i>scobina</i> , <i>Haustrum haustorium</i> , <i>Cominella</i> <i>adpersa</i> , <i>Cominella maculosa</i> , <i>Cominella</i> <i>glandiformis</i> , <i>Austrofuscus glans</i> , <i>Penion</i> <i>dilatatus</i> , <i>Struthiolaria papulosa</i>)	1 to 10
<i>Seaweeds:</i>	
agar weed (<i>Pterocladia lucida</i> , <i>Pterocladia</i> <i>capillacea</i>)	1 to 10
bladder kelp (<i>Macrocystis pyrifera</i>)	1 to 10
brown kelp (<i>Ecklonia radiata</i>)	1 to 10
bull kelp (<i>Durvillea</i> spp)	1 to 10
gracilaria weed (<i>Gracilaria chilensis</i>)	1 to 10
lessonia (<i>Lessonia variegata</i>)	1 to 10
porphyra (<i>Porphyra</i> spp)	1 to 10
sea lettuce (<i>Ulva</i> spp)	1 to 10

Schedule 4D

s 29A(2)(b)

**Species for which quota to be allocated
on basis of provisional catch history, if
brought into quota management system
on or before 1 October 2009**

- Javelinfish (*Lepidorhynchus denticulatus*)
- Octopus (*Pinnoctopus cordiformis*, *Octopus maorum*)
- Orange perch (*Lepidoperca aurantia*)

Schedule 4D—*continued*

- Prawn killer (*Ibacus alticrenatus*)
- Rattails—Family Macrouridae
- Redbait (*Emmelichthys nitidus*)
- Seal shark (*Dalatias licha*)
- Silver dory (*Cyttus novaezealandiae*)

Schedule 2

s 63

**New Schedules 15 and 16 added to
principal Act****Schedule 15**

s 369S(5)

**Green-lipped mussel quota share
allocations for quota management area 9
(GLM9)**

Legal name	Client number	Quota shares allocated
Christopher Allen Hensley	8411074	27 000 000
Kevin Ross Bellingham	8410178	9 000 000
Anthony Terrence Wedding	8413323	9 000 000
Diane Margaret Wedding	9410014	9 000 000
Martin Patrick Doody	8610114	5 000 000
Robert Leslie Denison	8410585	5 000 000
Kirk Walter Denison	8710002	5 000 000
Houhora Bay Marine Farms Limited	9510021	964 000
Robert Lovell Garden	8420824	36 000
Patrick Hugh Wedding	8413324	330 000

Schedule 15—*continued*

Legal name	Client number	Quota shares allocated
Treaty of Waitangi Fisheries Commission	8600300	20 000 000
The Crown in right of New Zealand acting by and through the Minister of Fisheries or the Ministry of Fisheries, either individually or collectively	8600000	9 670 000

Schedule 16

s 369T(2)

Allocation of quota for pipi in quota management area 1A

Client	Client number	Quota shares
Estate of George Henare	8421067	12,031,245
Thane Donald Colquhoun	8610002	15,722,533
Robin Leonard Beardsell	8610016	7,035,096
Grant Henare Fraser	8920093	306,475
Crete Milner Ltd	9310013	16,585,254
Cliff Gregory Ltd	9310014	2,506,158
J Gregory Ltd	9310015	8,922,447
Emma Jo Gregory Ltd	9310016	4,936,869

Schedule 16—*continued*

Client	Client number	Quota shares
P Hape Ltd	9310028	11,953,923
Treaty of Waitangi Fisheries Commission		20,000,000

Legislative history

23 March 2004	Introduction (Bill 109 -
6 April 2004	First reading and referral to Primary Production Committee
6 August 2004	Reported from Primary Production Committee
24 August 2004	Second reading
26, 31 August 2004	Committee of the whole House (Bill 109 - 1 September 2004 Third reading
