



Fisheries (Schedule 6) Order 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 18th day of August 2014

Present:

The Right Hon John Key presiding in Council

Pursuant to section 72(7) of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries, makes the following order.

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Order

- 1 Title**
This order is the Fisheries (Schedule 6) Order 2014.

2 Commencement

This order comes into force on 1 October 2014.

3 Fisheries Act 1996, Schedule 6 amended

In the Fisheries Act 1996, Schedule 6, replace the items relating to blue shark (*Prionace glauca*), mako shark (*Isurus oxyrinchus*), and porbeagle shark (*Lamna nasus*) with the items set out in the Schedule of this order.

Schedule

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Items replaced in Schedule 6 of Fisheries Act 1996

Blue shark (<i>Prionace glauca</i>)	All New Zealand fisheries waters	<p>A commercial fisher may return any blue shark to the waters from which it was taken—</p> <p>(a) live, if the blue shark is likely to survive on return and the return takes place as soon as practicable after the blue shark was taken; or</p> <p>(b) dead or near-dead, if paragraph (a) does not apply.</p> <p>For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.</p>
Mako shark (<i>Isurus oxyrinchus</i>)	All New Zealand fisheries waters	<p>A commercial fisher may return any mako shark to the waters from which it was taken—</p> <p>(a) live, if the mako shark is likely to survive on return and the return takes place as soon as practicable after the mako shark was taken; or</p>

Porbeagle shark (<i>Lamna nasus</i>)	All New Zealand fisheries waters	<p>(b) dead or near-dead, if paragraph (a) does not apply.</p> <p>For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.</p> <p>A commercial fisher may return any porbeagle shark to the waters from which it was taken—</p> <p>(a) live, if the porbeagle shark is likely to survive on return and the return takes place as soon as practicable after the porbeagle shark was taken; or</p> <p>(b) dead or near-dead, if paragraph (a) does not apply.</p> <p>For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.</p>
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Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 October 2014, amends Schedule 6 of the Fisheries Act 1996 (the **Act**), which relates to stocks that may be returned to the sea or other waters in accordance with stated requirements.

Clause 3 and the Schedule amend Schedule 6 of the Act to allow blue shark, mako shark, and porbeagle shark to be returned to waters from which they were taken dead or near-dead (defined as unlikely to survive on return), in addition to being returned live.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 22 July 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mpi.govt.nz/news-resources/publications>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 21 August 2014.

This order is administered by the Ministry for Primary Industries.
