

Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2003

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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- 1 Title**
- (1) These regulations are the Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2003.
- (2) In these regulations, the Fisheries (Commercial Fishing) Regulations 2001¹ are called “the principal regulations”.
- 2 Commencement**
- These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

¹ SR 2001/253

3 Use of specified nets prohibited

Regulation 63(2) of the principal regulations is amended by inserting, after the words “ring pots,”, the words “fyke nets,”.

4 Apertures required in rock lobster pots

Regulation 79 of the principal regulations is amended by revoking subclause (5), and substituting the following subclause:

“(5) This regulation does not prohibit the use or possession of rock lobster pots without escape apertures on board fishing vessels if—

“(a) the pots are constructed entirely of spot welded rectangular mesh with inside dimensions of not less than 140 mm long by 54 mm wide; and

“(b) the pots are used—

“(i) without covers or liners; or

“(ii) with covers or liners that leave unencumbered at least 80% of the surface area of each of 2 opposite sides.”

5 New Schedule 5 substituted

The principal regulations are amended by revoking Schedule 5, and substituting the new Schedule 5 set out in the Schedule of these regulations.

Schedule

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New Schedule 5 substituted in principal regulations
Schedule 5

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Authorised stocks

Common name	Scientific name	FMA	Fish-stock code
Albacore tuna	<i>Thunnus alalunga</i>	1-10	ALB1

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
Bigeyetuna	<i>Thunnus obesus</i>	1-10	BIG1
Butterfly tuna	<i>Gasterochisma melampus</i>	1-10	BTU1
Northern bluefin tuna	<i>Thunnus thynnus</i>	1-10	NTU1
Slender tuna	<i>Allothunnus fallai</i>	1-10	STU1
Southern bluefin tuna	<i>Thunnus maccoyii</i>	1-10	STN1
Yellowfin tuna	<i>Thunnus albacares</i>	1-10	YFN1
Skipjack tuna	<i>Katsuwonus pelamis</i>	1-10	SKJ1
Pacific bluefin tuna	<i>Thunnus orientalis</i>	1-10	TOR1
Surf clam:			
frilled venus shell	<i>Bassina yatei</i>	7	BYA7
ringed dosinia	<i>Dosinia anus</i>	3	DAN3
		7	DAN7
silky dosinia	<i>Dosinia subrosea</i>	7	DSU7
trough shell	<i>Macra discors</i>	7	MDI7
large trough shell	<i>Macra muchisoni</i>	3	MMI3
		7	MM17
deepwater tuatua	<i>Paphies donacina</i>	3	PDO3
		7	PDO7

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
triangle shell	<i>Spisula aequilateralis</i>	3	SAE3
		7	SAE7
Beachcast seaweed		1	SEO1
		2	SEO2
		3	SEO3
		4	SEO4
		5	SEO5
		6	SEO6
		7	SEO7
		8	SEO8
		9	SEO9
Seal shark	<i>Dalatias licha</i>	3	BSH3
		7	BSH7
Brown bullhead catfish	<i>Ictalurus nebulosus</i>	1	CAT1
			CAT9
Cockle	<i>Chione (Austrovenus) stutchburyi</i>	1	COC1
		3	COC3
		7	COC7

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
Cooks turban shell	<i>Cookia sulcata</i>	5	CTU5
Flying fish	<i>Exocoetidae</i>	1	FLY1
		2	FLY2
		7	FLY7
		8	FLY8
		9	FLY9
Gracilaria weed	<i>Gracilaria spp.</i>	1	GRA1
		2	GRA2
		3	GRA3
		9	GRA9
Hagfish	<i>Eptatretus cirrhatus</i>	2	HAG2
Kahawai	<i>Arripis trutta</i>	1	KAH1
		2	KAH2
		3	KAH3
		4	KAH4
		5	KAH5
		6	KAH6
		7	KAH7
		8	KAH8
		9	KAH9

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
Bladder kelp	<i>Macrocystis pyrifera</i>	3	KBB3
		4	KBB4
Bull kelp	<i>Durvillea spp.</i>	2	KBL2
Koheru	<i>Decapterus koheru</i>	1	KOH1
		9	KOH9
Koi	<i>Cyprinus carpio</i>	1	KOI1
		9	KOI9
Lookdown dory	<i>Cyttus traversi</i>	2	LDO2
		7	LDO7
Lessonia	<i>Lessonia spp.</i>	2	LES2
Long-finned freshwater eel	<i>Anguilla dieffenbachii</i>	1	LFE1
		2	LFE2
		9	LFE9
Green-upped mussel	<i>Perna canaliculus</i>	1	MSG1
		7	MSG7
		9	MSG9
Northern spiny dogfish	<i>Squalus mitsukurii</i>	8	NSD8
Octopus	<i>Pinnoctopus cordiformis</i>	1	Oct-01

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
		2	Oct-02
		7	Oct-07
		8	Oct-08
		9	Oct-09
Dredge oyster	<i>Tiostrea chilensis</i>	4	OYS4
		5B	OYS5B
Pacific oyster	<i>Crassostrea gigas</i>	7	POY7
Pipi	<i>Paphies australis</i>	1	PPI1
	<i>Porphyra spp.</i>	3	PRP3
	<i>Pterocladia lucida,</i>	1	PTE1
	<i>P. capillacea</i>	2	PTE2
		9	PTE9
Ray's bream	<i>Brama brama</i>	1	RBM1
		7	RBM7
Scampi	<i>Metanephrops challengerii</i>	1	SCI1
		2	SCI2
		3	SCI3
		5	SCI5
		6A	SCI6A
		6B	SCI6B

Schedule 5—*continued*

Common name	Scientific name	FMA	Fish-stock code
		7	SCI7
		8	SCI8
		9	SCI9
Silver dory	<i>Cyttus novaezelandiae</i>	2	SDO2
		7	SDO7
Short-finned freshwater eel	<i>Anguilla australis</i> ,	1	SFE1
	<i>Anguilla reinhardtii</i>	2	SFE2
		8	SFE8
		9	SFE9
Spiny dogfish	<i>Squalus acanthias</i>	1	SPD1
		2	SPD2
		3	SPD3
		5	SPD5
		7	SPD7
		8	SPD8
		9	SPD9
Tuatua	<i>Paphies suboiangulata</i>	9	TUA9

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Commercial Fishing) Regulations 2001. Fisheries (Commercial Fishing) Regulations 2001

The amendments—

- permit spot welded rectangular mesh rock lobster pots to be used with covers or liners if the covers or liners leave unencumbered at least 80% of the surface of each of 2 opposite sides:
- exclude fyke nets from the prohibition on using or possessing baited nets:
- substitute a new Schedule 5 that specifies authorised stocks. The new schedule omits anchovy, butterfish, blue (English) mackerel, garfish (*Hyporhamphus ihi*), kingfish (yellowtail), leatherjacket, paddle crab, pilchard, queen scallop, scallop, skate, sprat, and kina. The new schedule also omits reference to fisheries management area 4 in relation to long-finned freshwater eel and short-finned freshwater eel.

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