



## **Fisheries (Commercial Fishing) Amendment Regulations 2008**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 25th day of February 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1) of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### **Contents**

|   |  | Page |
|---|--|------|
| 1 | Title  | 2    |
| 2 | Commencement   | 2    |
| 3 | Principal regulations amended  | 2    |
| 4 | Taking and possessing marine turtles   | 2    |
| 5 | New regulations 46 to 48 substituted   | 2    |
|   | 46 Uninjured turtles must be immediately returned to waters from which taken | 2    |
|   | 47 Injured turtles   | 2    |
|   | 48 Circulars relating to marine turtles                                      | 2    |
| 6 | Turtle catches must be reported  | 3    |

|   |                                  |   |
|---|----------------------------------|---|
| 7 | Shellfish dredge design and size | 3 |
|---|----------------------------------|---|

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## **Regulations**

- 1 Title**  
These regulations are the Fisheries (Commercial Fishing) Amendment Regulations 2008.
- 2 Commencement**  
Except as provided for in regulation 6(2), these regulations come into force on 1 April 2008.
- 3 Principal regulations amended**  
These regulations amend the Fisheries (Commercial Fishing) Regulations 2001.
- 4 Taking and possessing marine turtles**  
Regulation 45(2)(a) is amended by omitting “caught in nets” and substituting “taken”.
- 5 New regulations 46 to 48 substituted**  
Regulations 46 to 48 are revoked and the following regulations substituted:
  - “46 Uninjured turtles must be immediately returned to waters from which taken**  
Any marine turtle taken by a commercial fisher that is not injured must immediately be returned to the waters from which it was taken.
  - “47 Injured turtles**  
Injured or drowning marine turtles must be treated in accordance with standards and specifications issued by the chief executive from time to time.
  - “48 Circulars relating to marine turtles**
    - “(1)** The chief executive, by notice in the *Gazette*, may issue, amend, or revoke a circular specifying the standards and specifications that commercial fishers must comply with in

handling injured or drowning marine turtles that they have accidentally taken.

- “(2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent that is practicable in the circumstances, with any persons or organisations considered by the chief executive to be representative of the classes of persons or organisations likely to be substantially affected by the circular.”

#### **6 Turtle catches must be reported**

- (1) Regulation 49(1) is amended by omitting “in nets”.
- (2) Regulation 49 is revoked on 1 October 2008.

#### **7 Shellfish dredge design and size**

- (1) Regulation 78 is amended by inserting “who fish for shellfish other than surf clams” after “fishers”.
- (2) Regulation 78 is amended by adding the following subclause as subclause (2):

“(2) However, commercial fishers fishing for surf clams may use 1 or more dredges that have a bar or bit of any length.”

Rebecca Kitteridge,  
for 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 address a resolution of the Western and Central Pacific Fisheries Commission requiring members to implement international guidelines, in relation to sea turtles, to reduce their mortality, enhance mitigation measures, and expand the reporting requirements. They do so by amending the principal regulations to regulate the management of sea turtles if they are taken as by-catch by any means, including fishing methods other than with nets. In addition, the reporting requirements in relation to sea turtles are to be dealt

with, after 1 October 2008, under the Fisheries (Reporting) Regulations 2001.

A further amendment provides for the use of a technical development in the equipment used for the commercial fishing of surf clams. However, catches taken by this new method continue to be constrained by the Total Allowable Commercial Catch requirements.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 28 February 2008.  
These regulations are administered by the Ministry of Fisheries.

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