

FISHERIES (FOVEAUX STRAIT DREDGE OYSTER FISHERY) AMENDMENT BILL

EXPLANATORY NOTE

General Policy Statement

This amendment to the Fisheries Act 1996 declares the Foveaux Strait oyster fishery to be subject to the quota management system from 1 April 1998.

A core component of the Coalition Agreement in the fisheries policy area is a commitment to bring all commercial fisheries under the quota management system in the shortest possible time frame. The Fisheries Act 1996 identifies 9 fully developed fisheries, including the Foveaux Strait oyster fishery, for which further legislation is required in order to introduce the fishery into the quota management system and undertake allocations of quota to both existing fishers and Maori.

In the settlement of proceedings taken by the Treaty of Waitangi Fisheries Commission in relation to this fishery, the Crown has undertaken to endeavour to enact such legislation for the Foveaux Strait oyster fishery within the current Session.

The inclusion of the fishery within the quota management system will allow transferable access rights to the fishery to be allocated to existing fishers, which may provide a catalyst for improved efficiency in the harvesting and processing of Foveaux Strait oysters. The allocation of 20% of oyster quota to the Treaty of Waitangi Fisheries Commission on behalf of Maori is a further step towards the completion of obligations to Maori under the Deed of Settlement of Maori fisheries claims.

The regime set for the fishery within the quota management system should ensure the sustainability of the fishery and includes provisions to manage particular features of the fishery such as localised over-fishing and the susceptibility of the oyster beds to the disease *Bonamia* and to the effects of dredging at certain times of the year.

Clause by Clause Analysis

Clause 2 inserts a new *section 368A* into the Fisheries Act 1986 that provides for the Foveaux Strait dredge oyster fishery to come under the quota management system from 1 April 1998. The section sets the total allowable catch and total allowable commercial catch for the fishery, provides for the allocation of quota, and specifies various other matters in relation to the fishery. The allocation of

quota is set out in *Schedule 2*, and is the same as the allocation under the Fisheries (1997 Foveaux Strait Dredge Oyster Quota Allocation) Notice 1997.

Clause 3 inserts a description of the Foveaux Strait dredge oyster quota management area into the First Schedule of the Act.

Clauses 4 and 5 consequentially remove the fishery from the Fourth Schedule of the Act and add it to the Eighth Schedule.

Clause 6 adds a new *Part V* to the Ninth Schedule that lists the allocations of quota.

Clause 7 amends Schedule 1A of the Fisheries Act 1983 to specify dredge oysters as a species for which the overall quota aggregation limit is 35%.

Clause 8 amends the Fisheries (Cost Recovery Levies) Order 1997 to reflect the removal of Foveaux Strait oysters from the individual catch limit system to the quota management system.

Hon John Luxton

**FISHERIES (FOVEAUX STRAIT DREDGE OYSTER
FISHERY) AMENDMENT**

ANALYSIS

Title	SCHEDULES
1. Short Title and commencement	Schedule 1
2. Foveaux Strait dredge oyster fishery subject to quota system	New Item Inserted in Part III of First Schedule of Principal Act
3. Quota management area defined	Schedule 2
4. Fourth Schedule amended	New Part V Added to Ninth Schedule of Principal Act
5. Foveaux Strait dredge oysters subject to monthly balancing regime	
6. Quota allocations	
7. Amendment to Fisheries Act 1983	
8. Fisheries (Cost Recovery Levies) Order 1997 amended	

A BILL INTITULED

An Act to amend the Fisheries Act 1996 in relation to the Foveaux Strait dredge oyster fishery

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title and commencement**—(1) This Act may be cited as the Fisheries (Foveaux Strait Dredge Oyster Fishery) Amendment Act 1997, and is part of the Fisheries Act 1996* (“the principal Act”).
- (2) This Act comes into force on 1 April 1998.
- 10 **2. Foveaux Strait dredge oyster fishery subject to quota system**—The principal Act is amended by inserting, after section 368, the following section:
- “368A. (1) On 1 April 1998, Foveaux Strait dredge oysters become subject to the quota management system under
- 15 Part IIA of the Fisheries Act 1983.
- “(2) Each person named in the first column of **Part V** of the Ninth Schedule of this Act is allocated the amount of individual

*1996, No. 88

transferable quota for dredge oysters stated in the third column of that schedule opposite that person's name.

“(3) The initial total allowable catch for the Foveaux Strait dredge oyster fishery is 2654 greenweight tonnes.

“(4) The initial total allowable commercial catch for the fishery is 1526 tonnes. 5

“(5) Notwithstanding anything in section 20 of this Act or section 28OB of the Fisheries Act 1983, the Minister may, by notice in the *Gazette*,—

“(a) Alter the total allowable catch or the total allowable commercial catch for Foveaux Strait dredge oysters, or both, at any time during any fishing year: 10

“(b) Specify the date from which or period for which any particular total allowable catch or total allowable commercial catch for the fishery applies. 15

“(6) The fishing year ending immediately before 1 October 1998 is deemed to be the period 1 April 1998 to 30 September 1998 (both dates inclusive).

“(7) The Minister may, by notice in the *Gazette*, prohibit the taking of Foveaux Strait dredge oysters— 20

“(a) During any specified period; or

“(b) From any specified area.

“(8) No person may take any Foveaux Strait dredge oyster for the purpose of sale in contravention of a prohibition made under **subsection (7)**. 25

“(9) In this section—

“‘Dredge oyster’ means the mollusc known as *Tiostrea chilensis*:

“‘Foveaux Strait dredge oyster fishery’, or ‘fishery’, means the Foveaux Strait Dredge Oyster Fishery defined in regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.” 30

3. Quota management area defined—Part III of the First Schedule of the principal Act is amended by inserting, after the heading “*Dredge Oyster (OYS) Management Areas*”, the item set out in **Schedule 1** of this Act. 35

4. Fourth Schedule amended—The Fourth Schedule of the principal Act is amended by repealing the item relating to Foveaux Strait oysters. 40

5. Foveaux Strait dredge oysters subject to monthly balancing regime—The Eighth Schedule of the principal Act is amended by adding the following item:

- 5 “Foveaux Strait dredge oysters
(*Tiostrea chilensis*) Foveaux Strait dredge oyster fishery”.

6. Quota allocations—(1) The Ninth Schedule of the principal Act is amended by omitting from the schedule heading the expression “NELSON-MARLBOROUGH”.

- 10 (2) The Ninth Schedule of the principal Act is amended by adding the new **Part V** set out in **Schedule 2** of this Act.

7. Amendment to Fisheries Act 1983—Schedule 1A of the Fisheries Act 1983 is amended by inserting, before the item “Hake”, the item “Dredge oysters”.

- 15 **8. Fisheries (Cost Recovery Levies) Order 1997 amended**—(1) The Fisheries (Cost Recovery Levies) Order 1997 (S.R. 1997/189) is amended—

20 (a) By omitting from clause 5 (1) the words “, Coromandel scallops, or Foveaux Strait oysters”, and substituting the words “or Coromandel scallops”:

(b) By inserting in Part A of the Schedule, immediately before the item relating to the fishstock “OYS 7”, the following item:

“OYS 5 43.12”.

- 25 (2) The Fisheries (Cost Recovery Levies) Order 1997 may be amended as if the amendments effected by this section had been effected by order and not by this section.
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*Fisheries (Foveaux Strait Dredge Oyster
Fishery) Amendment*

SCHEDULES

SCHEDULE 1

NEW ITEM INSERTED IN PART III OF FIRST SCHEDULE OF PRINCIPAL ACT

“Quota Management Area OYS 5—Foveaux Strait

All that area of New Zealand fisheries waters that is bounded—

- (a) To the west, by a straight line drawn from Oraki Point in Block 2, Longwood Survey District (approximately $46^{\circ} 23.6' S$ and $167^{\circ} 52.52' E$) to the easternmost point of Centre Island (approximately $46^{\circ} 27.7' S$ and $167^{\circ} 51.3' E$); then by mean high-water mark to Centre Island Lighthouse (approximately $46^{\circ} 27.8' S$ and $167^{\circ} 50.6' E$); then by a straight line to the northernmost point of Codfish Island (approximately $46^{\circ} 45.2' S$ and $167^{\circ} 36.6' E$); then by a straight line to North Red Head on the northwest coast of Stewart Island (approximately $46^{\circ} 44.8' S$ and $167^{\circ} 42.4' E$); and
- (b) To the east, by a straight line drawn from Slope Point in Block 9, Waikawa Survey District (approximately $46^{\circ} 40.5' S$ and $169^{\circ} 0' E$) to the East Cape on Stewart Island (approximately $47^{\circ} 0.9' S$ and $168^{\circ} 13.8' E$).”

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SCHEDULE 2

NEW PART V ADDED TO NINTH SCHEDULE OF PRINCIPAL ACT

“PART V

FOVEAUX STRAIT DREDGE OYSTER QUOTA ALLOCATIONS

Legal Name	Client Number	Quota Allocation (Greenweight Tonnes)
Calder, William Ernest	8890037	66.348
Cowan, Kay Ravine	8890036	66.348
Enterprise Fishing Co. Ltd	8490681	66.348
Fisheries South Island Ltd	8490755	66.348
Foveaux Strait Oyster and Fish Supply Co. Ltd	8490785	66.348
Fowler Oysters Ltd	8490786	92.887
Johnson, William Edward Myth	8890021	66.348
Mead, Jane Marjorie	8890038	66.348
Mountfort Fishing Co. Ltd	8491719	66.348
Otakou Fisheries Ltd	8481840	132.695
Robert Russell Ltd	8492049	66.348
Skeggs Investments Ltd	8482214	265.390
Stewart Island Canneries Ltd	8492302	66.348
Treaty of Waitangi Fisheries Commission	8600300	305.200
Urwin and Co. Ltd	8492485	66.348
	TOTAL	1 526.000”