



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,  
AMENDMENT NO. 23**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of September 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 23, and shall be read together with and deemed part of the Fisheries (Commercial Fishing) Regulations 1986\* (hereinafter referred to as the principal regulations).

\*S.R. 1986/215

- Amendment No. 1: S.R. 1986/250
- Amendment No. 2: S.R. 1988/104
- Amendment No. 3: S.R. 1988/175
- Amendment No. 4: S.R. 1988/321
- Amendment No. 5: (Revoked by S.R. 1990/186)
- Amendment No. 6: (Revoked by S.R. 1990/186)
- Amendment No. 7: S.R. 1990/186
- Amendment No. 8: S.R. 1991/61
- Amendment No. 9: (Revoked by S.R. 1993/174)
- Amendment No. 10: S.R. 1991/249
- Amendment No. 11: S.R. 1992/115
- Amendment No. 12: S.R. 1992/208
- Amendment No. 13: S.R. 1992/237
- Amendment No. 14: S.R. 1993/174
- Amendment No. 15: S.R. 1993/278
- Amendment No. 16: S.R. 1993/353
- Amendment No. 17: S.R. 1994/175
- Amendment No. 18: S.R. 1995/35
- Amendment No. 19: S.R. 1995/174
- Amendment No. 20: S.R. 1995/229
- Amendment No. 21: S.R. 1995/281
- Amendment No. 22: S.R. 1996/208

(2) Subject to subclause (3) of this regulation, these regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

(3) Regulation 4 of these regulations, and the Schedule, shall come into force on the 1st day of October 1996.

**2. Use of fyke nets in South Island fisheries waters**—The principal regulations are hereby amended by inserting, after regulation 31F (as inserted by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 20), the following regulation:

“31G. Notwithstanding paragraph (a) of regulation 49 of these regulations, no commercial fisherman shall use any fyke net to take eels in the South Island fisheries waters (as defined in regulation 31F (2) of these regulations) unless there are incorporated behind the last trap or throat, and before the last part of the net capable of holding eels while in the water, 2 escapement tubes that are not less than 28 mm in inside diameter, except that both ends of the tube shall not be less than 32 mm in inside diameter.”

**3. Tubes to be incorporated in fyke nets**—Regulation 49 of the principal regulations is hereby amended by inserting, at the beginning of paragraph (a), the words “Subject to regulation 31G of these regulations in the case of South Island fisheries waters,”.

**4. Fees**—(1) The principal regulations are hereby amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule to these regulations.

(2) The following regulations are hereby revoked:

- (a) Regulation 3 of, and the Schedule to, the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 14:
  - (b) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 16:
  - (c) Regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 17:
  - (d) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 21:
  - (e) The Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 22.
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Reg. 4 (1)

## SCHEDULE

## NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS

Reg. 56

## "SECOND SCHEDULE

## FEES

## PART I

## REGISTRATION AND FISHING PERMIT FEES

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1. The fees payable in respect of registration of a fishing vessel and the issue of duplicates shall be as follows:
- (a) Where the vessel is New Zealand-owned and is required by or under the Fisheries (Satellite Vessel Monitoring) Regulations 1993\* to carry and operate an automatic location communicator:
- |   |        |          |
|---|--------|----------|
| (i) Registration                                | ... .. | 3,450.00 |
| (ii) Issue of duplicate certificate of registry | ... .. | 15.00    |
- (b) Where the vessel is New Zealand-owned but is not required by or under the Fisheries (Satellite Vessel Monitoring) Regulations 1993\* to carry and operate an automatic location communicator:
- |   |        |       |
|---|--------|-------|
| (i) Registration                                | ... .. | 75.00 |
| (ii) Issue of duplicate certificate of registry | ... .. | 15.00 |
- (c) Where the vessel is foreign-owned and the chief executive has given consent for registration pursuant to section 57 (8) of the Act, and the vessel is required by or under the Fisheries (Satellite Vessel Monitoring) Regulations 1993\* to carry and operate an automatic location communicator:
- |   |        |          |
|---|--------|----------|
| (i) Registration                                | ... .. | 5,436.00 |
| (ii) Issue of duplicate certificate of registry | ... .. | 15.00    |
- (d) Where the vessel is foreign-owned and the chief executive has given consent for registration pursuant to section 57 (8) of the Act, but the vessel is not required by or under the Fisheries (Satellite Vessel Monitoring) Regulations 1993\* to carry and operate an automatic location communicator:
- |   |        |          |
|---|--------|----------|
| (i) Registration                                | ... .. | 2,061.00 |
| (ii) Issue of duplicate certificate of registry | ... .. | 15.00    |
2. The fees payable in respect of permits and the issue of duplicates shall be as follows:
- (a) Issue of permit other than for fishing under Part IIA or Part IIB of the Act:
- |   |        |        |
|---|--------|--------|
| (i) For issue of the permit   | ... .. | 100.00 |
| (ii) An administration fee payable in respect of each authorisation to take a specified species of fish from a specified area, being a species not subject to the quota management system | ... .. | 10.13  |
- (b) Issue of permit for fishing under Part IIA or Part IIB of the Act
- |        |        |       |
|--------|--------|-------|
| ... .. | ... .. | 75.00 |
|--------|--------|-------|

SCHEDULE—*continued*

NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—  
*continued*

“SECOND SCHEDULE—*continued*

	\$
(c) Issue of permit that allows fishing for a species subject to a quota management system and also for a species not subject to a quota management system ... ..	175.00
(d) Application for special permit under section 64 of the Act (including subsequent issue of the permit) ... ..	1,800.00
If the time taken to process the application does not exceed 4 hours, the fee payable shall be \$270	
(e) Issue of any duplicate permit ... ..	15.00
(f) Amendment or alteration to conditions of permit at the request of the permit holder:	
(i) In the case of a special permit under section 64 of the Act ... ..	168.75
(ii) In any other case ... ..	15.00
3. Fee payable in respect of any approval by the Director-General pursuant to section 100 (2) of the Act ... ..	171.00

PART II

CONTROLLED FISHERIES FEES

*Application Fees*

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1. On an application under section 29 of the Act:	
(a) To inspect the Register of Controlled Fishery Licences ... ..	3.00
(b) To obtain a copy of any specified entry in the Register of Controlled Fishery Licences:	
(i) Where a fee under paragraph (a) has been paid ... ..	5.00
(ii) Where a fee under paragraph (a) has not been paid ... ..	8.00
2. Application for licence ... ..	75.00
3. Application for renewal of licence ... ..	75.00
4. Application for a temporary licence:	
(a) To a Registrar of the Ministry ... ..	75.00
(b) To the Fisheries Authority ... ..	75.00
5. Any other application under Part III of the Act to a Registrar or the Ministry or the Authority ... ..	75.00

*Boat Authority Fees*

Every holder of a licence granted under Part III of the Act shall pay to the Authority, in respect of every boat authority issued in respect of a vessel specified in the licence, a fee of \$200 for every year or part of a year for which the licence is current.

SCHEDULE—*continued*NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—  
*continued*“SECOND SCHEDULE—*continued*”

Where the holder of a licence granted under Part III of the Act is also granted a licence under that Part to fish in another controlled fishery contiguous to the first for the same species of fish, and a vessel for which a boat authority has been issued is to be used in both controlled fisheries by the licensee, no further fee shall be payable for the cancellation of the original boat authority and the issue of an appropriate new boat authority.

## PART III

## QUOTA REGISTRATION FEES

1. The fee payable for the registration of any transfer or lease of any individual transferable quota or transferable term quota is \$78.75.

2. The fee payable to inspect any register maintained under section 28P or section 28ZR of the Act is \$15.00.

3. (1) A fee of \$38.00 is payable in any case where—

- (a) A written authority of the kind referred to in section 28ZA (2) (c) (iii) of the Act is furnished to a Registrar; or
- (b) An arrangement of the kind referred to in section 28ZF (2) (b) (ii) of the Act is notified to the chief executive; or
- (c) A written agreement of the kind referred to in section 62 (1A) of the Act is furnished to the chief executive; or
- (d) A written agreement of the kind referred to in section 62 (1AA) of the Act is submitted to the chief executive; or
- (e) An agreement of the kind referred to in section 99 (1) of the Act is furnished to a Registrar; or
- (f) An arrangement of a kind referred to in section 105A (2) (e) (ii) of the Act is notified to a Registrar.

(2) The relevant fee is payable by the person who furnishes or notifies the authority, agreement, or arrangement to the Registrar or chief executive, and is payable irrespective of whether the authority, agreement, or arrangement is approved or otherwise accepted or recognised by the Registrar or chief executive for the purposes of the relevant section.

## PART IV

## OTHER FEES

1. *Conversion factor certificates*—(1) The fee payable by the owner of a vessel in respect of which a greenweight conversion factor certificate is given under section 3A (3) of the Act is \$27.00.

(2) No fee is payable under this clause where the conversion factor certificate increases the greenweight conversion factor applying to the vessel.

(3) The Director-General may waive any fee payable under this clause where the conversion factor certificate is issued for the purpose of making any minor amendment to a previous certificate applying to the vessel concerned.

SCHEDULE—*continued*

NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—  
*continued*

“SECOND SCHEDULE—*continued*

2. *Supervision of conversion factors*—(1) The fee payable in respect of any supervision by a scientific observer that is required to be undertaken to provide the chief executive with information that will assist in making a decision under section 3A (3) of the Act is, for each 24-hour period or part of a 24-hour period during which the scientific observer is involved in the supervision,—

- (a) \$756.18 where the chief executive provides accommodation for the scientific observer; and
- (b) \$636.18 where the vessel owner provides accommodation for the scientific observer.

(2) Where more than one scientific observer is involved in the supervision, fees are payable under subclause (1) of this clause in respect of each scientific observer.

(3) Any fee payable under this clause is payable by the owner of the vessel concerned.

3. *Supervision of transhipments*—(1) The fee payable in respect of the provision of supervision by a scientific observer of a transhipment of fish in circumstances referred to in section 67H (1) of the Act is, for each 24-hour period or part of a 24-hour period during which the scientific observer is involved in supervising the transhipment,—

- (a) \$636.18 where the vessel owner provides accommodation for the scientific observer; and
- (b) \$756.18 where the Director-General provides accommodation for the scientific observer.

(2) Where more than one scientific observer is involved in supervising a transhipment, fees are payable under subclause (1) of this clause in respect of each scientific observer.

(3) Any fee payable under this clause is payable by the holder of the fishing permit under which the transhipped fish were taken, or, where the vessel from which fish are transhipped is not the catcher vessel, by the owner of the vessel.

(4) Where more than one person is liable to pay any fee under this clause in respect of any period during which a scientific observer is on board a vessel, the Director-General may divide the total fee payable between those persons on a proportionate basis, having regard to the percentage of total transhipment hours taken up by each relevant transhipment.

(5) For the purposes of this clause, a transhipment at sea or in port is deemed to occur from the commencement of the first sling from a catcher vessel to the completion of the last sling from the same catcher vessel.

4. *Supervision of dumping at sea*—(1) The fee payable in respect of the provision of supervision by a scientific observer of any abandonment in or return to the sea of fish authorised under section 28ZB (5) of the Act is \$22.50 for each occasion on which fish are so returned or abandoned.

SCHEDULE—*continued*

NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL REGULATIONS—  
*continued*

“SECOND SCHEDULE—*continued*

(2) Any fee payable under this clause is payable by the holder of the fishing permit under which the fish were taken.

5. *Automatic location communicators*—(1) The fee payable in respect of the grant of a type approval for an automatic location communicator shall be calculated as follows:

(a) Labour supplied by the Ministry in respect of the approval shall be charged at the rate of \$50.00 per hour:

(b) The actual and reasonable costs incurred by the Ministry in respect of equipment and materials supplied or used in relation to the approval shall be added to the amount payable under paragraph (a) of this subclause.

(2) The fee payable in respect of the registration of an automatic location communicator is \$180.00.

(3) The fee payable in respect of the supply of an extract from the public register of automatic location communicators is \$18.00.

6. *Applications and approvals under section 61*—(1) The fee payable in respect of any application for consent under section 61 of the Act is \$171.00.

(2) The fee payable in respect of the giving of any consent under section 61 of the Act is,—

(a) In the case of a ship not required to carry an automatic location communicator, \$405.00:

(b) In the case of a ship required to carry an automatic location communicator, \$3,780.00.

7. *Marine farming permits and spat catching permits*—(1) The fee payable in respect of an application for a marine farming permit under section 67J of the Act is \$3,375.00.

(2) The fee payable in respect of an application for a spat catching permit under section 67Q of the Act is \$3,375.00.

(3) The fee payable in respect of an application by the holder of a marine farming permit or a spat catching permit for a change to the conditions of that permit under section 67K of the Act is \$1,125.00.

(4) The fee payable in respect of an application by the holder of a marine farming permit for a transfer of the permit under section 67M of the Act is \$225.00.

8. *Inspection of marine farming register*—The fee payable in respect of any inspection of the register of marine farming permits that is kept under section 67J (12) of the Act is \$27.00.”

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 amend the Fisheries (Commercial Fishing) Regulations 1986 to—

- (a) Make special provision for the dimensions of fyke nets used for taking eels in South Island fisheries waters; and
- (b) Increase substantially the fees for applications for special permits under section 64 of the Fisheries Act 1983, and the fees in relation to marine farming permits and spat catching permits.

The opportunity has been taken to substitute a new “clean” Second Schedule setting out fees generally, but the only substantive changes are those referred to in paragraph (b) above. These are found in clause 2 (d) and (f) (i) of Part I of the Schedule and in clause 7 of Part IV of the Schedule.

The fee increases come into force on 1 October 1996. The fyke net provisions come into force 28 days after the date of the notification of the regulations in the *Gazette*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 26 September 1996.  
These regulations are administered in the Ministry of Fisheries.