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MINISTRY

OF

FISHERIES

PURSUANT TO THE FISHERIES ACT 1996

Fisheries (Seabird Sustainability Measures) Notice 2007

Pursuant to section 11 of the Fisheries Act 1996, the Minister of Fisheries gives the following notice.

Notice

1. **Title**—This notice is the Fisheries (Seabird Sustainability Measures) Notice 2007.
2. **Commencement**—This notice comes into force on the day after the date of its notification in the *New Zealand Gazette*.
3. **Interpretation**—In this notice, unless the context otherwise requires:
 - “Act” means the Fisheries Act 1996
 - “nautical dawn” means the time at sunrise when the centre of the sun is at a depression angle of 12 degrees below the ideal horizon for the place
 - “nautical dusk” means the time at sunset when the centre of the sun is at a depression angle of 12 degrees below the ideal horizon for the place
 - “set”, in relation to a surface longline, means releasing the surface longline into the waters of the exclusive economic zone of New Zealand
 - “surface longline” means a line to which a hook or hooks (whether baited or not) are attached, and that is:
 - (a) suspended by floats; and
 - (b) not attached to the sea floor.

4. Notification of use of surface longlines—(1) No commercial fisher may use surface longlines to take tuna or swordfish within the exclusive economic zone of New Zealand without giving written notification to the chief executive of the intention to do so at least 5 days before doing so.

(2) The chief executive may exempt any particular commercial fisher from the requirement of subclause (1) if satisfied in the circumstances that the requirement is not necessary.

5. Restrictions on use of surface longlines—No commercial fisher may set surface longlines to take fish, aquatic life, or seaweed within the exclusive economic zone of New Zealand between the hours of 0.5 hours before nautical dawn and 0.5 hours after nautical dusk.

6. Seabird scaring devices required if surface longlines used—If a commercial fisher uses a surface longline to take fish, aquatic life, or seaweed within the exclusive economic zone of New Zealand, the commercial fisher must:

- (a) carry a seabird scaring device approved by the chief executive on board the vessel used by the commercial fisher; and
- (b) use the seabird scaring device in accordance with the written requirements issued by the chief executive (if any); and
- (c) permit inspection of the seabird scaring device on board the vessel used by the commercial fisher at any reasonable time by a fisheries officer or an observer appointed under section 223(2) of the Act.

7. Place of notification—For the purposes of clause 4(1), a commercial fisher may notify the chief executive by delivering the notification:

- (a) by hand to Observer Services, Ministry of Fisheries, Level 9, ASB Bank House, 101–103 The Terrace, Wellington; or
- (b) by post to Observer Services, Ministry of Fisheries, PO Box 1020, Wellington; or
- (c) by email to observer@fish.govt.nz or
- (d) by facsimile to (04) 819 4775.

Dated at Christchurch this 25th day of January 2007.

JIM ANDERTON, Minister of Fisheries.

Explanatory note

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

*This notice, which comes into force on the day after the date of its notification in the *New Zealand Gazette*, specifies sustainability measures with respect to seabirds. The measures restrict the use of surface longlines by commercial fishers and require the use of bird scaring devices if surface longlines are used.*

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