
Fisheries (Seabird Sustainability Measures—Trawl Vessels 28m+) Notice 2008 (No. F432)

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

N o t i c e

1. **Title**—This notice is the Fisheries (Seabird Sustainability Measures—Trawl Vessels 28m+) Notice 2008.
2. **Commencement**—This notice shall come into effect on 1 September 2008.
3. **Interpretation**—In this notice:
 - “hauling” means the period from when the winches are engaged to retrieve the trawl net from fishing depth:
 - (a) to when the trawl net is completely onboard; or
 - (b) to when shooting next occurs, if the net is not brought completely onboard;
 - “Limited Processing Fishing Vessel Register” means the register held by the New Zealand Food Safety Authority under the Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001 and called the “Limited Processing Fishing Vessel Register”;
 - “offal” means solid fish parts, including heads, guts, frames, tails, tentacles and fish trimmings, or parts thereof including minced parts;
 - “Risk Management Programmes Register” means the register held by the New Zealand Food Safety Authority under the Animal Products Act 1999 and called the “Risk Management Programmes Register”
 - “shooting” means the period from when the trawl net is released from the vessel into the water, until the trawl doors and trawl net are fully submerged; and
 - “tow” means the period after shooting and before hauling, when the trawl net is fully submerged in the water.
4. **Restriction of offal or fish discharge**—(1) No person operating a vessel 28 metres or greater in overall length for the purposes of trawling may discharge offal or fish:
 - (a) during shooting and hauling; or
 - (b) within 20 minutes before shooting, unless the vessel has moved at least 1 nautical mile from the location of the last offal or fish discharge; or
 - (c) on more than one occasion per tow, if the vessel is not registered on the Limited Processing Fishing Vessel Register or Risk Management Programmes Register; or
 - (d) for a period no longer than 10 minutes at a time, and not again for at least 30 minutes after completion of the previous discharge, if registered on the Limited Processing Fishing Vessel Register or Risk Management Programmes Register.(2) Subclause (1) does not apply to:
 - (a) fish that are legally undersize; or
 - (b) fish that are listed on the Sixth Schedule of the Fisheries Act 1996 and that are likely to survive.
5. **Chief executive may grant exemption from discharge restrictions**—(1) The chief executive may, on application by any person, exempt a vessel from the requirement under clause 4, if the chief executive is satisfied that compliance with the requirements under clause 4 would be unsafe for the vessel.
 - (2) Before granting an exemption, the chief executive may require the person to supply any evidence to show that compliance with the requirements under clause 4 would be unsafe for the vessel.
 - (3) The chief executive may revoke an exemption granted under subclause (1).

Dated at Wellington this 18th day of February 2008.

HON JIM ANDERTON, Minister of Fisheries.