

**Fisheries (Seabird Sustainability Measures—Trawl Vessels Less Than 28m) Notice (No. 2) 2008 (No. F447)**

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—Trawl Vessels Less than 28m) Notice (No. 2) 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) when the trawl net is not brought completely onboard, to when shooting next occurs.

“offal” means solid fish parts, including heads, guts, frames, tails, tentacles and fish trimmings, or parts thereof including minced parts;

“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 less in overall length for the purposes of trawling may discharge offal or fish:

- (a) on more than one occasion per tow; or
- (b) during shooting and hauling; or
- (c) 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.

(2) Sub-clause (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).

**6. Revocation**—The Fisheries (Seabird Sustainability Measures—Trawl Vessels Less Than 28m) Notice 2008 (No. F431)\* is revoked.

Dated at Wellington this 27th day of May 2008.

HON JIM ANDERTON, Minister of Fisheries.

\**New Zealand Gazette*, 21 February 2008, No. 31, page 713

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**Corrigendum—Fisheries (Seabird Sustainability Measures—Trawl Vessels Less Than 28m) Notice (No. 2) 2008 (No. F447)**

In the notice with the above heading, dated the 27th day of May 2008 and published in the *New Zealand Gazette*, 5 June 2008, No. 93, page 2517, please replace clause 2 with

“**2. Commencement**—This notice shall come into effect on 1 September 2008, with the exception of clause 6.”

Dated at Wellington this 10th day of June 2008.

HON JIM ANDERTON, Minister of Fisheries.

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