



S8689A

25 September 2008

Minister of Fisheries

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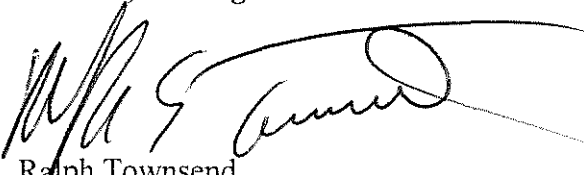
Decision to Exempt Talleys Group Management Ltd from Quota Aggregation Limits – Gazette Notice

Purpose

- 1 The purpose of this briefing is to seek your agreement to sign the attached Gazette Notice and the letter informing the applicant of your decision.
- 2 On 22 September 2008 you decided, in accordance with s 60 of the Fisheries Act 1996, to approve an application from Talleys Group Management Ltd (Talleys) for an exemption to the quota aggregation limit provisions of s 59 of the Fisheries Act 1996 in respect of elephant fish. Specifically, you approved Talleys to hold up to 41.86% of the combined TACC for elephant fish.
- 3 The attached Gazette Notice sets out that exemption.
- 4 The attached letter notifies the applicant of your decision.

Recommendation

- 5 It is recommended that you:
 - a) **note** this briefing;
 - b) **sign** the attached Gazette Notice; and
 - c) **sign** the attached decision letter.


Ralph Townsend
Chief Economist
Ministry of Fisheries

NOTED

Hon Jim Anderton
Minister of Fisheries

29/9/2008

OFFICE OF HON **Jim Anderton**

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries, Minister of Forestry,
Associate Minister of Health, Associate Minister for Tertiary Education, Minister responsible for Public Trust

JA1689/S8689A

29 SEP 2007

Tony Stallard
Stallard Hunter Lawyers
PO Box 946
Nelson

Dear Mr Stallard

Re: Application for consent for exemption from quota aggregation limits of the Fisheries Act 1996 – Talley’s Group Management Limited (client ID 9760117)

Thank you for your letter dated 3 December 2007 seeking an exemption to the aggregation limit for elephant fish (ELE) on behalf of Talley’s Group Management Ltd.

Under section 60(2) of the Fisheries Act 1996 (“the Act”), I have approved, in part, the request by Talley’s Group Management Ltd to hold quota for the elephant fish fishery in excess of the permitted aggregation limits as specified in section 59 of the Act.

I have decided to approve the proposed purchase of 83.630 metric tonnes. I consider that the benefits arising with respect to other quota owners and commercial fishers and the efficiency of the fishing industry warrant the use of my authority under section 60 to grant an exemption to the section 59 limits.

Approval can only be put into effect through publication of a Gazette Notice, as set out in section 60 of the Act and will come into effect the day after publication. The transfer of the quota shares to you can only take place once this has been done. FishServe will be advised that they can process the original request at the same time that the Gazette Notice is published.

Your application for an additional 8.093 tonnes of ELE quota, to be purchased at a later date, has been declined. The reason for my decision is that your application is speculative only. That is, there is no pending purchase of ELE quota and the application is seeking “head room” only.

There is no legal requirement to have an agreement to purchase quota in order to seek an exemption. However, as you are aware, internal Ministry of Fisheries (MFish) policy guidelines recommend that applications without a pending acquisition of quota be declined.



MFish advises me that it is difficult for me to meet my obligations with regard to section 60(3) with regard to speculative applications. I review applications without a pending acquisition for quota carefully to determine if any circumstances exist that would merit consideration. I have considered your application and can find no special circumstances at this time.

If you wish to discuss this matter further, please contact Eugene Rees on 04 819 4659 or at eugene.rees@fish.govt.nz

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Anderton', written in a cursive style.

Jim Anderton
Minister of Fisheries

Fisheries (Quota Aggregation Limit Exemption) Notice 2008 (F465)

Pursuant to section 60 of the Fisheries Act 1996, the Minister of Fisheries, after consultation with representative organisations that have an interest provided in section 60, and after consideration of the matters specified in section 60(3) of the Fisheries Act 1996, gives the following notice.


Notice

1. **Title** – This notice is the Fisheries (Quota Aggregation Limit Exemption) Notice 2008.
2. **Commencement** – This notice shall come into effect on the day after its notification in the *New Zealand Gazette*.
3. **Exemption to quota aggregation limit for elephant fish** – From the date that this notice comes into effect, consent is given for Talley's Group Management Limited to hold quota shares for elephant fish having a combined quota weight less than or equal to 41.86% percent of the combined total allowable commercial catches of elephant fish.

Dated at Wellington this 29th day of Sept 2008.



Hon. Jim Anderton
Minister of Fisheries

Certified in order for Signature	
Solicitor	
Date	25 th September 2008
Ministry of Fisheries Legal Services	