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Department Notice

Fisheries

Fisheries (Customary Fishing Conditions) Notice 1998

Pursuant to regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986, the Chief Executive of the Ministry of Fisheries hereby gives the following notice:

Notice

1. Title and commencement—(1) This notice may be cited as the Fisheries (Customary Fishing Conditions) Notice 1998.

(2) This notice shall come into force on the day following publication in the *New Zealand Gazette*.

2. Interpretation—In this notice, unless the context otherwise requires—

“Marae Committee” means any marae committee (whether incorporated or not) established for the purpose of establishing any marae;

“Maori Committee” has the meaning as set out in regulation 27 (2) (a) of the Fisheries (Amateur Fishing) Regulations 1986.

3. Authorisation to take fish, aquatic life or seaweed for hui or tangi—I hereby authorise under regulation 27 (1) (a) of the Fisheries (Amateur Fishing) Regulations 1986, the taking of fish, aquatic life or seaweed for the purpose of a hui or a tangi provided that the taking is carried out in accordance with the conditions in clause 4 of this notice.

4. Conditions under which customary fishing rights

may be exercised, pursuant to regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986—(1) No fish, aquatic life or seaweed may be taken under regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986, unless the fisher has prior authorisation in accordance with these conditions.

(2) Authorisations to take fish, aquatic life or seaweed under regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986, may only be given by an authorised representative of any Marae Committee, Maori Committee, Runanga or Trust Board, where those groups are representative of the tangata whenua. For the purposes of this condition, tangata whenua means the hapu, or iwi, that is Maori and holds mana whenua over that area.

(3) All authorisations must be in writing and must contain the name and the signature of the person authorising the fishing.

(4) All authorisations must specify:

- (i) the species that may be taken;
- (ii) the dates that the species may be taken;
- (iii) the persons(s) who are authorised to take the species;
- (iv) the maximum quantity of species that may be taken;
- (v) the area or areas in which the species may be taken;
- (vi) the hui or tangi, and the venue, for which the species may be taken.

(5) No species of fish, aquatic life or seaweed may be taken, pursuant to regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986, where the taking is commercial in any way or is for pecuniary gain or trade.

5. Revocations—I hereby revoke all prior approved purposes, conditions and delegations made under regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986.

Dated at Wellington this 5th day of February 1998.

W. R. TUCK, Chief Executive, Ministry of Fisheries.
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