

Fisheries Amendment Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon David Parker

Fisheries Amendment Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Fisheries Amendment Act **2022**.

2 Commencement

- (1) ~~This Act comes into force on 1 November 2022.~~ This Act, other than the provisions specified in **subsections (2) to (4)**, comes into force on **1 November 2022**. 5
- (2) **Section 30A** and **Schedule 2A** come into force on **28 November 2022**.
- (3) **Part 1 of Schedule 3** comes into force on **29 November 2022**.
- (4) The following provisions come into force at the close of **30 September 2023**: 10
- (a) **section 4(1A)**;
- (b) **section 26A**;
- (c) **section 27** and **Schedule 1** (to the extent that they relate to **clause 3A** of Schedule 1AA). 15

3 Principal Act

This Act amends the Fisheries Act 1996.

Part 1

Substantive provisions

4 Section 2 amended (Interpretation) 20

- (1) In section 2(1), definition of **fisheries services**, after paragraph (d), insert:
- (e) the provision, installation, and maintenance of electronic and other equipment on fishing vessels to observe fishing and related activities, including—
- (i) the return, abandonment, processing, or sorting of fish: 25
- (ii) transportation connected with fishing:
- (iii) measures to avoid, remedy, or mitigate fishing-related mortality:
- (f) the submission, storage, and review of electronic and other data from activities described in **paragraph (e)**
- (1A) In section 2(1), definition of **fishing year**, replace paragraph (a) with: 30
- (a) in relation to green-lipped mussel in quota management area 9, rock lobster, southern scallops, Northland scallops, southern blue whiting, or any stock declared under a notice made under section 18 to have a fishing year commencing on 1 April in any year, a period of 12 months commencing on each 1 April: 35

- (2) In section 2(1), insert in their appropriate alphabetical order:
- ~~pre-agreed response~~ means a response specified in a pre-set decision rule under ~~section 11AAA(1A)(d)~~
- ~~pre-set decision rule~~ means a rule made under ~~section 11AAA~~
- 5 New section 11AAA inserted (Pre-set decision rules for sustainability measures) 5**
- Before section 11, insert:
- 11AAA Pre-set decision rules for sustainability measures**
- (1) The Minister may make rules within which any sustainability measure for 1 or more stocks or areas may be set or varied (the **pre-set decision rules**). 10
- (1A) Pre-set decision rules must specify—
- (a) the management objectives for the stock or area concerned; and
- (b) a target biomass level for the stock concerned (if any); and
- (c) a threshold above or below which the Minister may make a response in respect of the stock or area concerned; and 15
- (d) the responses that the Minister is authorised to make.
- (1B) Pre-set decision rules may include transitional and savings provisions that the Minister considers necessary concerning the coming into force of the rules.
- (2) Before making, amending, applying, revoking, reviewing, or replacing pre-set decision rules, the Minister must comply with section 11(1) to (2A) as if the Minister were setting a sustainability measure for the relevant stock or area. 20
- (3) See **section 20(6)(b)** for requirements in section 21(1) that relate to the making of pre-set decision rules that enable a total allowable commercial catch to be set or varied under the rules.
- (4) For the purposes of this section, ~~sustainability measures~~ include measures referred to in section 11 and total allowable commercial catches. 25
- (4A) The Minister must review a pre-set decision rule within the following periods (the **5-year review periods**):
- (a) within 5 years after the date on which the rule is made;
- (b) within 5 years after the date on which the rule is last reviewed. 30
- (5) Pre-set decision rules are revoked on the earliest of the following:
- (a) at the close of the date or period specified in the rules;
- (b) on the date on which the rules are revoked or replaced;
- (c) if the Minister has not reviewed a pre-set decision rule in accordance with **subsection (4A)**, at the close of the applicable 5-year review period. 35

(5A)	The Minister must notify the persons referred to in section 12(2)(a) and (b) as soon as practicable that a pre-set decision rule has been revoked.	
(6)	Pre-set decision rules (except instruments that revoke pre-set decision rules) are secondary legislation (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	5
6	Section 11 amended (Sustainability measures) After section 11(6), insert:	
(7)	The Minister may make an instrument that sets or varies any sustainability measure for 1 or more stocks or areas in accordance with a pre-agreed response after—	10
	(a) taking into account the matters in subsections (1) and (2A); and	
	(b) having regard to the matters in subsection (2), and if applicable, subsection (5).	
(8)	An instrument made under subsection (7) is secondary legislation (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	15
7	Section 11A amended (Fisheries plans) After section 11A(3)(b)(ii), insert:	
	(iii) pre-set decision rules:	
8	Section 12 replaced (Consultation) Replace section 12 with:	20
12	Consultation	
(1)	Subsection (2) applies before the Minister—	
	(a) does anything under any of sections 11(1) or (4), 11A(1), 13(1), (4), or (7), 14(1), (3), or (6), 14B(1), and 15(1) or (2); or	
	(b) makes, amends, reviews, revokes, or replaces pre-set decision rules under section 11AAA (but not when applying pre-set decision rules); or	25
	(c) recommends the making of an Order in Council under section 13(9), 14(8), or 14A(1).	
(2)	In that case, the Minister must—	30
	(a) consult any persons or organisations that the Minister considers are representative of those classes of persons having an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including Maori, environmental, commercial, and recreational interests; and	35
	(b) provide for the input and participation of tangata whenua having—	
	(i) a non-commercial interest in the stock concerned; or	

- (ii) an interest in the effects of fishing on the aquatic environment in the area concerned; and
- (e) for the purposes of **paragraph (b)**, have particular regard to kaitiakitanga.
- (3) The Minister must, as soon as practicable, give to the parties consulted in accordance with **subsection (2)** reasons in writing for— 5
- (a) making, amending, revoking, or replacing pre-set decision rules; or
- (b) setting or varying any sustainability measure; or
- (c) approving, amending, or revoking any fisheries plan.
- (4) This section does not apply in respect of emergency measures under section 16. 10
- 9 Section 13 amended (Total allowable catch)**
- (1) Replace section 13(4) with:
- (4) The Minister may, by notice in the *Gazette*, vary any total allowable catch set for any quota management stock under this section by increasing or reducing the total allowable catch. 15
- (4A) The Minister may make an instrument that sets or varies the total allowable catch for any quota management stock in accordance with a pre-agreed response.
- (4B) The Minister must have regard to the matters specified in subsections (2), (2A) (if applicable), and (3) when setting or varying a total allowable catch under **subsection (4) or (4A)**. 20
- (1A) In section 13(5), replace “or subsection (4),” with “, **(4)**, or **(4A)**”.
- (2) In section 13(6), after “subsection (7)”, insert “or **(7A)**”.
- (3) After section 13(7), insert:
- (7A) Despite subsections (1) and (7), after considering information about the abundance during the current fishing year of any stock listed in Schedule 2 and after having regard to the matters specified in subsections (2), (2A) (if applicable), and (3), the Minister may make an instrument under pre-set decision rules that increases, in accordance with a pre-agreed response, the total allowable catch for any stock listed in Schedule 2 with effect from any date in the fishing year in which the instrument is published as may be stated in the instrument. 25 30
- (4) In section 13(8), after “subsection (7)”, insert “or **(7A)**”.
- 10 Section 14 amended (Alternative total allowable catch for stock specified in Schedule 3)**
- (1) In section 14(5), after “subsection (6)”, insert “or **(6A)(b)**”. 35
- (2) After section 14(6), insert:
- (6A) Despite subsections (1) and (6),—

- (a) after being satisfied that it is appropriate to achieve the purpose of this Act, the Minister may make an instrument under pre-set decision rules that sets or varies the total allowable catch for any stock listed in Schedule 3 with effect on and from the first day of the next fishing year for the stock concerned: 5
- (b) after considering information about the abundance during the current fishing year of any stock listed in Schedule 3 and being satisfied that it is appropriate to achieve the purpose of this Act, the Minister may make an instrument under pre-set decision rules that increases, in accordance with a pre-agreed response, the total allowable catch for any stock listed in Schedule 3 with effect on and from any date in the year in which the instrument is published as may be stated in the instrument. 10
- (3) In section 14(7), after “subsection (6)”, insert “or **(6A)(b)**”.
- 11 Section 14B amended (Alternative total allowable catch for certain stocks)**
After section 14B(6), insert: 15
- (6A) Despite subsections (1) and (6), but in accordance with subsections (2) and (3), the Minister may make an instrument under pre-set decision rules that sets or varies the total allowable catch for any stock to which this section applies with effect on and from the first day of the next fishing year for the stock concerned.
- 12 Section 20 amended (Setting and variation of total allowable commercial catch)** 20
- (1) After section 20(2), insert:
- (2A) The Minister may make an instrument that sets or varies a total allowable commercial catch for 1 or more quota management stocks in accordance with a pre-agreed response. 25
- (2) In section 20(3), replace “and (2)” with “to **(2A)**”.
- 12A Section 21 amended (Matters to be taken into account in setting or varying any total allowable commercial catch)**
After section 21(2), insert:
- (2A) Subsection (2) does not apply if the Minister allowed for the matters specified in subsection (1)(a) and (b) when making the pre-set decision rules. 30
- 13 Section 72 amended (Dumping of fish prohibited)**
- (1) Replace section 72(1) to (4) with:
- (1) A commercial fisher must not return to or abandon in the sea or any other waters any fish or other animal that is aquatic life that is subject to the quota management system, except as provided in **subsection (2) or (3)**. 35

- (2) A commercial fisher who takes any fish or other animal that is aquatic life subject to the quota management system must, if required by an instrument made under **section 72A(2)(c)**,—
- (a) immediately return it to, or abandon it in, the sea or waters from which it was taken; and 5
 - (b) comply with the conditions and requirements (if any) specified in that instrument.
- (3) A commercial fisher who takes any fish or other animal that is aquatic life subject to the quota management system may return it to, or abandon it in, the sea or waters from which it was taken if— 10
- (a) the return is permitted by an instrument made under **section 72A(2)(a) or (b)**; and
 - (b) they comply with the conditions and requirements (if any) specified in that instrument.
- (4) Every person commits an offence and is liable to the applicable penalty imposed by **section 252(3A), (5)(ba), or (5A)** if the person,— 15
- (a) in contravention of **subsection (1)**, in respect of fish or another animal that is aquatic life not listed in an instrument made under **section 72A(2)(c)**, returns or abandons—
 - (i) 50 or fewer fish or other animals that are aquatic life in any 24-hour period; or 20
 - (ii) more than 50 fish or other animals that are aquatic life in any 24-hour period; or
 - (b) in contravention of **subsection (2)(a)**, fails to return or abandon—
 - (i) 50 or fewer fish or other animals that are aquatic life in any 24-hour period; or 25
 - (ii) more than 50 fish or other animals that are aquatic life in any 24-hour period; or
 - (c) in contravention of **subsection (2)(b)**, fails to comply with conditions or requirements in respect of the return or abandonment of— 30
 - (i) 50 or fewer fish or other animals that are aquatic life in any 24-hour period; or
 - (ii) more than 50 fish or other animals that are aquatic life in any 24-hour period; or
 - (d) in contravention of **subsection (3)(b)**, fails to comply with conditions or requirements in respect of the return or abandonment of— 35
 - (i) 50 or fewer fish or other animals that are aquatic life in any 24-hour period; or

- (ii) more than 50 fish or other animals that are aquatic life in any 24-hour period.
- (2) After section 72(5)(b), insert:
- (ba) the commercial fisher believed on reasonable grounds that the return or abandonment of the fish or other animal that is aquatic life was necessary to ensure the safety of—
- (i) a marine mammal (as defined in section 2(1) of the Marine Mammals Protection Act 1978); or
- (ii) fish of the species of *Chordata* listed in Schedule 7A of the Wildlife Act 1953 as Chondrichthyes (cartilaginous fishes); or
- (iii) any other protected species specified by the Minister in an instrument made under this paragraph.
- (3) Replace section 72(7) and (8) with:
- (7) In proceedings for an offence relating to a contravention of **subsection (4)**,—
- (a) the prosecutor need not assert in the charging document that the exceptions set out in **subsection (2) or (3)** or the defence in **subsection (5)(ba)** do not apply; and
- (b) the burden of proving that any of the exceptions set out in **subsection (2) or (3)** or the defence in **subsection (5)(ba)** applies lies on the defendant.
- (8) An instrument made under **subsection (5)(ba)(iii)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 14 New section 72A inserted (Minister may require or permit fish or other animal that is aquatic life to be returned or abandoned)**
- After section 72, insert:
- 72A Minister may require or permit fish or other animal that is aquatic life to be returned or abandoned**
- (1) The Minister may make instruments for the purposes of **section 72(2) or (3)** in accordance with this section.
- (2) An instrument made under this section may—
- (a) permit a stock or species to be returned to or abandoned in the sea or other waters from which it was taken if the Minister is satisfied that the stock or species has an acceptable likelihood of survival if returned or abandoned in the manner specified by the instrument; or
- (b) permit a stock or species to be returned to or abandoned in the sea or other waters from which it was taken if the Minister is satisfied that the stock or species—

- (i) would damage other stocks or species taken by the commercial fisher if retained (for example, an ammoniating species); or
 - (ii) is damaged as a result of unavoidable circumstances (for example, diseased or predated fish); or
 - (c) require a stock or species to be returned to or abandoned in the sea or other waters from which it was taken if the Minister is satisfied that the return or abandonment is for a biological, a fisheries management, or an ecosystem purpose and the stock or species has an acceptable likelihood of survival if returned or abandoned in the manner specified by the instrument. 5
- (2A) In considering the acceptable likelihood of survival of a stock or species under **subsection (2)(a)**, the Minister must have regard to— 10
- (a) the sustainability of the stock or species; and
 - (b) the method by which the stock or species is taken; and
 - (c) the handling practices for the stock or species taken; and 15
 - (d) the social, cultural, and economic factors that the Minister considers relevant.
- (3) The instrument may also—
- (a) provide that it applies to the stocks or species, or classes of stocks or species, specified in the instrument by reference to size, weight, or other physical characteristics: 20
 - (b) provide that it applies in relation to—
 - (i) the fishing methods, the use of fishing gear, or in the circumstances specified in the instrument; or
 - (ii) the classes of fishing methods, fishing gear, or circumstances specified in the instrument: 25
 - (c) impose conditions and requirements that the Minister considers appropriate.
- (4) An instrument made under this section may be amended, replaced, or revoked.
- (5) Before making, amending, replacing, or revoking an instrument under this section, the Minister must consult any persons or organisations that the Minister considers are representative of the classes of persons having an interest in the proposed action. 30
- (6) The decision to make an instrument under this section must be notified in the *Gazette*. 35
- (7) An instrument made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

15 Section 113K amended (Conditions of high seas fishing permit)

Replace section 113K(1)(n) with:

- (n) the provision, installation, and maintenance of electronic and other equipment to observe any fishing and related activities described in **paragraph (e)** of the definition of fisheries services in section 2(1), and the payment of any associated prescribed fees and charges by the permit holder:

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16 Section 191 amended (Disposal of fish by commercial fishers)

Replace section 191(1) with:

- (1) No commercial fisher may sell or otherwise dispose of fish, aquatic life, or seaweed, taken by the commercial fisher in that capacity, except—
- (a) to a licensed fish receiver; or
 - (b) as provided in subsection (2) or (5); or
 - (c) by an approved alternative method of disposal in accordance with regulations made under section 297.

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17 Section 192 amended (Restrictions on purchase or acquisition of fish by certain persons)

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After section 192(5)(c), insert:

- (d) a person using an approved method of disposal in accordance with regulations made under section 297.

19 Section 227A amended (Installation and maintenance of equipment on vessels may be required)

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- (1) In section 227A, replace “fishing and transportation” with “fishing and related activities described in **paragraph (e)** of the definition of fisheries services in section 2(1)”.
- (2) In section 227A, insert as subsection (2):
- (2) **Subsection (1)** includes power to require that specified equipment be operated throughout or at any time during a vessel’s voyage.

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20 Section 252 amended (Penalties)

- (1) Repeal section 252(3)(b).
- (2) After section 252(3), insert:
- (3A) Every person convicted, whether in the same or separate proceedings, of 2 or more offences against **section 72(4)(a), (b), (c), or (d)** (unlawfully returning, abandoning, or retaining fish or other animals that are aquatic life in any 24-hour period) committed within a period of 3 years is liable to a fine not exceeding \$250,000 in respect of the second offence and each subsequent offence committed within that period.
- (3) After section 252(5)(b), insert:

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- (ba) **section 72(4)(a)(ii), (b)(ii), (c)(ii), or (d)(ii)** (unlawfully returning, abandoning, or retaining more than 50 fish or other animals that are aquatic life in any 24-hour period):
- (4) After section 252(5), insert:
- (5A) Every person convicted of an offence against **section 72(4)(a)(i), (b)(i), (c)(i), or (d)(i)** (unlawfully returning, abandoning, or retaining 50 or fewer fish or other animals that are aquatic life in any 24-hour period) is liable to a fine not exceeding \$10,000. 5
- 21 Section 255A amended (Forfeiture for infringement offence)** 10
- In section 255A(1), after “infringement offence against this Act”, insert “(other than an offence in respect of the taking or possession of fish or another animal that is aquatic life by a commercial fisher)”.
- 22 Section 255C amended (Forfeiture for section 252(2), (3), and (5) offences, offences carrying fine of \$100,000, repeat offences, and serious non-commercial offences)** 15
- (1) In section 255C(1)(a), after “section 252(2) or (3) or (5)”, insert “(other than an offence referred to in **section 252(5)(ba)**)”.
- (2) After section 255C(1)(a), insert:
- (aa) on conviction for a second or subsequent offence referred to in **section 252(3A)**: 20
- (3) In section 255C(1)(b), after “\$100,000”, insert “(other than an offence referred to in **section 252(5)(ba)**)”.
- (4) In section 255C(1)(d), after “this Act”, insert “(other than an offence referred to in **section 252(5)(ba) or (5A)**)”.
- (5) After section 255C(2), insert: 25
- (2A) On conviction of a person for an offence referred to in **section 252(5)(ba)**, the court may order that any property used in the commission of the offence is forfeit to the Crown.
- (6) In section 255C(3), replace “section 252(2) or (3)” with “section 252(2), (3), **(3A), or (5)(ba)**”. 30
- (7) In section 255C(4), replace “Subsection (2) does” with “Subsections (2) and **(2A)** do”. 30
- 22A Section 257 amended (Prohibition of fishing activity in case of reoffending)**
- (1) In section 257(1)(b), after “of section 252”, insert “(other than an offence referred to in section 252(5)(ba))”. 35
- (2) After section 257(1), insert:

- (1A) If a person is convicted of offences against **section 72(4)(a), (b), (c), or (d)** and is liable to a fine under section 252(**3A**), the court must, in addition to any other penalty imposed, make an order—
- (a) that the person forfeit any licence, approval, permission, or fishing permit obtained under this Act; and 5
 - (b) that the person be prohibited, for a period of 3 years commencing on the date of the most recent conviction, from doing any of the following:
 - (i) holding any licence, approval, permission, or fishing permit obtained under this Act:
 - (ii) engaging in fishing or any activity associated with the taking of fish, aquatic life, or seaweed: 10
 - (iii) deriving any beneficial income from activities associated with the taking of fish, aquatic life, or seaweed.
- (3) In section 257(2), after “subsection (1)”, insert “or **(1A)**”.
- (4) In section 257(3), after “subsection (1)”, insert “and **(1A)**”. 15
- 23 Section 297 amended (General regulations)**
- (1) After section 297(1)(a)(xiii), insert:
- (xiv) for the purposes of **section 191(1)(c)**,—
 - (A) authorising the chief executive to approve alternative methods of disposal of fish, aquatic life, or seaweed: 20
 - (B) providing for applications to use an approved alternative method of disposal and prescribing requirements relating to applications:
 - (C) prescribing criteria that the chief executive must take into account in considering an application: 25
 - (D) prescribing requirements relating to the disposal of fish, aquatic life, or seaweed by an approved method of disposal:
 - (E) providing for, and prescribing requirements relating to, the verification of the alternative methods of disposal of fish, aquatic life, or seaweed. 30
- (2) Replace section 297(1)(ca) with:
- (ca) prescribing requirements relating to the provision, installation, and maintenance of electronic and other equipment (including, for the avoidance of doubt, the requirement for a class of person to provide, install, or maintain the equipment) to observe any fishing and related activities described in **paragraph (e)** of the definition of fisheries services in section 2(1), and the payment of any associated prescribed fees and charges: 35
- (3) Replace section 297(1)(na) with:

- (na) prescribing infringement offences against this Act by commercial fishers and other persons, including—
- (i) offences in respect of fishing and related activities, such as offences in respect of—
 - (A) the taking, possession, return, abandonment, processing, or sorting of fish or other animals that are aquatic life: 5
 - (B) transportation connected with fishing:
 - (C) measures to avoid, remedy, or mitigate fishing-related mortality:
 - (ii) offences in respect of reporting and record-keeping requirements: 10
- (4) After section 297(1)(w), insert:
- (wa) authorising the Minister to set or vary management controls in respect of recreational fishing, including—
- (i) daily limits, maximum legal sizes, and minimum legal sizes for any stocks, species, or fisheries management areas; and 15
 - (ii) conditions and requirements relating to the controls:
- (5) After section 297(3), insert:
- (3A) If the regulations authorise the Minister under **subsection (1)(wa)** to set or vary management controls in respect of recreational fishing,—
- (a) the instrument by which that is done is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and 20
 - (b) the regulations must contain a statement to that effect.
- 24 New section 298A inserted (Regulations relating to demerit points)**
- After section 298, insert:
- 298A Regulations relating to demerit points** 25
- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
- (a) authorising the Minister or the chief executive to record demerit points against any of the following persons who commit a specified infringement offence: 30
 - (i) the master of a vessel:
 - (ii) the holder of a fishing permit:
 - (b) prescribing the number of demerit points or a graduated scale of demerit points that may be recorded for specified infringement offences (including a greater number of demerit points for committing a second or subsequent infringement offence): 35

(c)	specifying different classes of infringement offence that are liable to demerit points:	
(d)	providing for the expiry of recorded demerit points no later than 3 years after the date on which the specified infringement offence is committed:	
(e)	prescribing a civil penalty not exceeding \$10,000, which may be a fixed amount or a graduated scale of civil penalties for different levels of recorded demerit points:	5
(f)	providing for the review of penalties imposed for recorded demerit points:	
(g)	providing for appeals against penalties imposed for recorded demerit points:	10
(i)	providing for the review of video recordings and associated information made by equipment placed on a fishing vessel under section 227A if a specified number of demerit points is accumulated in relation to activities carried out using the vessel:	15
(j)	providing for the effective operation of the demerit point system under this section, including regulations that—	
	(i) specify how demerit points (including accumulated demerit points) are to be recorded, including the information to be recorded in connection with the recorded demerit points:	20
	(ii) authorise the chief executive to require persons to provide that specified information:	
	(iii) provide for the giving of notices in respect of demerit points.	
(1A)	Regulations made under this section must provide for the matters specified in subsection (1)(f) and (g) .	25
(2)	This section does not limit the generality of section 297.	
(3)	Regulations made under this section are secondary legislation (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	
25	Section 302A repealed (<i>Gazette</i> notices may be consolidated)	
	Repeal section 302A.	30
26	Section 303 replaced (Certain secondary legislation may be consolidated)	
	Replace section 303 with:	
303	Certain secondary legislation or published instruments may be consolidated	
	<i>Secondary legislation made by same maker and with same publishing requirements</i>	35
(1)	The Minister or the chief executive (the maker) may at any time apply this section to any secondary legislation that—	

- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and
- (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).
- Other instruments made by same maker and with same publishing requirements* 5
- (2) The Minister or the chief executive (the **maker**) may at any time apply this section to any instruments that—
- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and 10
- (b) are not secondary legislation.
- Once this section is applied to specific instruments*
- (3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to— 15
- (a) revoke any specific instrument that has been made (a **revoked instrument**); and
- (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that— 20
- (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and
- (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).
- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),— 25
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and
- (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made. 30
- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and
- (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts. 35
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied.
- (7) In this section,—

instrument has the meaning given in section 5 of the Legislation Act 2019
maker, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**

specific empowering provisions means the provisions of this Act, or of regulations, that—

- (a) empower the making of the specific instruments; and
- (b) are referred to in the subsection under which the maker applies this section to the specific instruments

specific instruments means the 1 or more instruments to which the maker applies this section, whether the instruments—

- (a) have been made (and are to be revoked); or
- (b) are able to be made.

26A Section 369S amended (Green-lipped mussel in quota management area 9 subject to quota management system)

In section 369S(2), replace “1 October” with “1 April”.

Part 2

Repeal and consequential amendments

27 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

28 Schedule 6 repealed

Repeal Schedule 6.

29 Repeal of Fisheries Act 1983

Repeal the Fisheries Act 1983 (1983 No 14).

30 Consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 2**.

30A Fisheries (Amateur Fishing) Regulations 2013 amended

Amend the Fisheries (Amateur Fishing) Regulations 2013 as set out in **Schedule 2A**.

31 Consequential amendments to secondary legislation

Amend the secondary legislation as set out in **Schedule 3**.

Schedule 1
New Part 3 inserted into Schedule 1AA

s 27

Part 3	
Provisions relating to Fisheries Amendment Act 2022	5
Subpart 1—Preliminary provisions	
3 Interpretation	
In this Part,—	
amendment Act means the Fisheries Amendment Act 2022	
commencement means the date on which this Part comes into force	10
relevant enactment means an enactment specified in a table in clause 5, 6, or 7.	
<u>Subpart 1A—Fishing year for green-lipped mussel in quota management area 9</u>	
3A 2023–24 fishing year for green-lipped mussel in quota management area 9	15
<u>Despite the definition of fishing year in section 2(1), and section 369S(2), the fishing year for green-lipped mussel in quota management area 9 for 2023–24 is the 6-month period commencing on 1 October 2023 and ending at the close of 31 March 2024.</u>	
Subpart 2—Fisheries (Amateur Fishing) Regulations 2013	20
4 Continuation of certain regulations	
(1) This clause applies to the Fisheries (Amateur Fishing) Regulations 2013.	
(2) The daily amounts, daily limits, accumulation limits, and minimum sizes specified in the regulations immediately before commencement continue to apply until corresponding limits or sizes are enacted and brought into force by an instrument made by the Minister under the regulations.	25
(2) <u>The daily amounts, daily limits, accumulation limits, and minimum sizes specified in the regulations immediately before 29 November 2022 continue to apply until corresponding limits or sizes are enacted and brought into force by an instrument made by the Minister under the regulations.</u>	30

Subpart 3—Fisheries (Commercial Fishing) Regulations 2001 and associated enactments

5 Exemptions in regulations continued for specified period for certain stocks or species

- (1) This clause is repealed on the earlier of— 5
- (a) **30 September 2026:**
- (b) a date appointed by Order in Council on the recommendation of the Minister.
- (2) **Section 72(1)** does not apply to any fish of a stock or species listed in the following table that is taken by a commercial fisher if— 10
- (a) a relevant enactment prohibits a person from taking or possessing the fish (whether by reason of a condition, requirement, size limit, or otherwise); and
- (b) the fish is returned to or abandoned in the sea or any other waters in accordance with the relevant enactment: 15

Stock or species	Relevant enactment
	<i>Fisheries (Commercial Fishing) Regulations 2001</i>
Blue cod (<i>Parapercis colias</i>)	Regulation 31
Blue moki (<i>Latridopsis ciliaris</i>)	Regulation 31
Butterfish (<i>Odax pullus</i> , <i>Odax cyanoallix</i>)	Regulation 31
Flatfishes (except sand flounder) (<i>Rhombosolea leporine</i> , <i>Rhombosolea retiaria</i> , <i>Rhombosolea tapirina</i> , <i>Colistium guntheri</i> , <i>Colistium nudipinnis</i> , <i>Pelotretis flavilatus</i> , <i>Peltorhamphus novaezeelandiae</i>)	Regulation 31
Kingfish (<i>Seriola lalandi</i>)	Regulation 31
Red cod (<i>Pseudophycis bachus</i>)	Regulation 31
Red moki (<i>Cheilodactylus spectabilis</i>)	Regulation 31
Sand flounder (<i>Rhombosolea plebia</i>)	Regulation 31
Snapper (<i>Pagrus auratus</i>)	Regulation 31
Tarakihi (<i>Nemadactylus macropterus</i>)	Regulation 31
Trevally (<i>Pseudocaranx dentex</i>)	Regulation 31
Paua (<i>Haliotis iris</i> (ordinary paua))	Regulation 32
Paua (<i>Haliotis australis</i> (yellow foot paua))	Regulation 32
Dredge oysters (<i>Tiostrea chilensis</i>)	Regulation 32
Scallops (<i>Pecten novaezeelandiae</i>)	Regulation 32
Female spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 37
Male spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 37
Packhorse rock lobster (<i>Jasus verreauxi</i>)	Regulation 37
Rock lobster (any species of rock lobster)	Regulation 41
Eel (short-finned eel (<i>Anguilla australis</i>) and long-finned eel (<i>Anguilla dieffenbachii</i>))	Regulation 50

Stock or species	Relevant enactment
Eel (short-finned eel (<i>Anguilla australis</i>) and long-finned eel (<i>Anguilla dieffenbachii</i>))	Regulation 51 <i>Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986</i>
Coromandel scallops (<i>Pecten novaezelandiae</i>)	Regulation 22B <i>Fisheries (Central Area Commercial Fishing) Regulations 1986</i>
Paddle crabs (<i>Ovalipes catharus</i>)	Regulation 14D
Male spiny rock Lobster (<i>Jasus edwardsii</i>)	Regulation 14K <i>Fisheries (Challenger Area Commercial Fishing) Regulations 1986</i>
Scallops (<i>Pecten novaezelandiae</i>)	Regulation 12B
Paddle crabs (<i>Ovalipes catharus</i>)	Regulation 14E

Stock or species	Relevant enactment
	<i>Fisheries (South-East Area Commercial Fishing) Regulations 1986</i>
Spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 6
Paddle crab (<i>Ovalipes catharus</i>)	Regulation 11J
Eel (short-finned eel (<i>Anguilla australis</i>) and long-finned eel (<i>Anguilla dieffenbachii</i>))	Regulation 11N
Male short-finned eel (<i>Anguilla australis</i>)	Regulation 11O
	<i>Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986,</i>
Female spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 5C
Paddle crab (<i>Ovalipes catharus</i>)	Regulation 15H

6 Stocks or species deemed to meet criteria in section 72A

- (1) The Minister may make an instrument under **section 72A** that has effect for a specified period or indefinitely for any stock or species listed in **table 1** without further authority than this subclause and as if the statutory prerequisites for making the instrument had been complied with:

Table 1—Stocks or species deemed to meet criteria in **section 72A** for specified period or indefinitely

Stock or species	Relevant enactment
	<i>Fisheries (Commercial Fishing) Regulations 2001</i>
Paua (<i>Haliotis iris</i> (ordinary paua))	Regulation 32
Paua (<i>Haliotis australis</i> (yellow foot paua))	Regulation 32
Dredge oysters (<i>Tiostrea chilensis</i>)	Regulation 32
Scallops (<i>Pecten novaezelandiae</i>)	Regulation 32
Female spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 37
Male spiny rock lobster (<i>Jasus edwardsii</i>)	Regulation 37
Packhorse rock lobster (<i>Jasus verreauxi</i>)	Regulation 37
Rock lobster (any species of rock lobster)	Regulation 41
Eel (short-finned eel (<i>Anguilla australis</i>) and long-finned eel (<i>Anguilla dieffenbachii</i>))	Regulation 50
Eel (short-finned eel (<i>Anguilla australis</i>) and long-finned eel (<i>Anguilla dieffenbachii</i>))	Regulation 51
	<i>Fisheries Act 1996, Schedule 6</i>
Rock lobster (<i>Jasus verreauxi</i> , <i>Jasus edwardsii</i>) in all New Zealand fisheries waters	
Prawn killer (<i>Ibacus alticrenatus</i>) in all New Zealand fisheries waters	
Paddle crab (<i>Ovalipes catharus</i>) in all New Zealand fisheries waters	
Deepwater crab (<i>Chaceon bicolor</i> , <i>Lithodes murrayi</i> , <i>Neolithodes brodiei</i> , and <i>Jacquiniotia edwardsii</i>) in all New Zealand fisheries waters	

5

Stock or species	Relevant enactment
Cockle (<i>Austrovenus stutchburyi</i>) in all New Zealand fisheries waters except fishery management area 10	
Green-lipped mussel (<i>Perna canaliculus</i>) in quota management areas GLM1, GLM2, GLM3, GLM7A, GLM7B, GLM8, and GLM10	
Green-lipped mussel (<i>Perna canaliculus</i>) in quota management area GLM9	
Pipi (<i>Paphies australis</i>) in all New Zealand fisheries waters except fishery management area 10	
Surf clams (<i>Bassina yatei</i> , <i>Dosinia anus</i> , <i>Dosinia subrosea</i> , <i>Mactra discors</i> , <i>Mactra murchisoni</i> , <i>Paphies donacina</i> , <i>Spisula aequilatera</i>) in all New Zealand fisheries waters except fishery management areas 6 and 10	
Dredge oyster (<i>Ostrea chilensis</i>) in all New Zealand fisheries waters except quota management area OYU5 and fishery management area 10	
Knobbed whelk (<i>Austrofusus glans</i>) in quota management areas KWH1, KWH2, KWH3, KWH4, KWH5, KWH6, KWH7A, KWH7B, KWH8, and KWH9	
Freshwater eel (<i>Anguilla australis</i> , <i>Anguilla dieffenbachii</i> , and <i>Anguilla reinhardtii</i>) in all New Zealand fisheries waters	
Bladder kelp (<i>Macrocystis pyrifera</i>) in all New Zealand fisheries waters	
Kina (<i>Evechinus chloroticus</i>) in all New Zealand fisheries waters	
(2) The Minister may make an instrument under section 72A that has effect until a date no later than 30 September 2026 for any stock or species listed in table 2 without further authority than this subclause and as if the statutory prerequisites for making the instrument had been complied with:	
Table 2—Stocks or species deemed to meet criteria in section 72A until a date no later than 30 September 2026	
Stock or species	Requirements
Blue shark (<i>Prionace glauca</i>) in all New Zealand fisheries waters	A commercial fisher may return any blue shark to the waters from which it was taken—
	(a) live, if the blue shark is likely to survive on return and the return takes place as soon as practicable after the blue shark was taken; or
	(b) dead or near-dead, if paragraph (a) does not apply.
	For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.
Chatham Islands scallops (<i>Pecten novaezelandiae</i>) in the Chatham Islands scallop fishery	A commercial fisher must immediately return a Chatham Islands scallop to the waters from which it was taken if the scallop is taken—

Stock or species	Requirements
Coromandel scallops (<i>Pecten novaezelandiae</i>) in the Coromandel scallop fishery	<ul style="list-style-type: none"> (a) during any closed season in the Chatham Islands scallop fishery; or (b) in any area in which the taking of Chatham Islands scallops is, at that time, prohibited. <p>A commercial fisher must immediately return a Coromandel scallop to the waters from which it was taken if the scallop is taken—</p> <ul style="list-style-type: none"> (a) during any closed season in the Coromandel scallop fishery; or (b) in any area in which the taking of Coromandel scallops is, at that time, prohibited.
Kingfish (<i>Seriola lalandi</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return a kingfish of legal size to the waters from which it was taken if that fish—</p> <ul style="list-style-type: none"> (a) is not taken by the method of set netting; and (b) is likely to survive; and (c) is returned to the same waters from which it was taken; and (d) is returned as soon as practicable; and (e) is recorded and reported on catch effort landing returns using an appropriate code.
Mako shark (<i>Isurus oxyrinchus</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any mako shark to the waters from which it was taken—</p> <ul style="list-style-type: none"> (a) live, if the mako shark is likely to survive on return and the return takes place as soon as practicable after the mako shark was taken; or (b) dead or near-dead, if paragraph (a) does not apply.
Northern scallops (<i>Pecten novaezelandiae</i>) in the Northland scallop fishery	<p>For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.</p> <p>A commercial fisher must immediately return any Northland scallop to the waters from which it was taken if the scallop is taken—</p> <ul style="list-style-type: none"> (a) during any closed season in the Northland scallop fishery; or (b) in any area in which the taking of northern scallops is, at the time, prohibited.
Patagonian toothfish (<i>Dissostichus eleginoides</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any Patagonian toothfish to the waters from which it was taken if—</p> <ul style="list-style-type: none"> (a) the Patagonian toothfish is likely to survive on return; and

Stock or species	Requirements
Porbeagle shark (<i>Lamna nasus</i>) in all New Zealand fisheries waters	<p>(b) the return takes place as soon as practicable after the Patagonian toothfish is taken; and</p> <p>(c) in the case of a trawl-caught Patagonian toothfish, it is released only in the presence of an observer.</p> <p>A commercial fisher may return any porbeagle shark to the waters from which it was taken—</p> <p>(a) live, if the porbeagle shark is likely to survive on return and the return takes place as soon as practicable after the porbeagle shark was taken; or</p> <p>(b) dead or near-dead, if paragraph (a) does not apply.</p> <p>For the purposes of paragraph (b) of this requirement, near-dead means unlikely to survive on return.</p>
Queen scallop (<i>Zygochlamys delicatula</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any queen scallop to the waters from which it is taken if—</p> <p>(a) the queen scallop is likely to survive the return; and</p> <p>(b) the return takes place as soon as practicable after the queen scallop is taken.</p>
Rig (<i>Mustelus lenticulatus</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any rig to the waters from which it was taken if—</p> <p>(a) the rig is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the rig is taken.</p>
Rough skate (<i>Dipturus nasutus</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any rough skate to the waters from which it was taken if—</p> <p>(a) that rough skate is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the rough skate is taken.</p>
Scallop (<i>Pecten novaezelandiae</i>) in quota management areas SCA1A, SCA2A, SCA3, SCA5, SCA7A, SCA7B, SCA7C, SCA8A, SCA9A	<p>A commercial fisher may return a scallop of legal size to the waters from which it was taken if the scallop is likely to survive on return.</p>
School shark (<i>Galeorhinus galeus</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any school shark to the waters from which it was taken if—</p> <p>(a) the school shark is likely to survive on return; and</p>

Stock or species	Requirements
Sea cucumber (<i>Stichopus mollis</i>) in all New Zealand fisheries waters	<p>(b) the return takes place as soon as practicable after the school shark is taken.</p> <p>A commercial fisher may return any sea cucumber to the waters from which it was taken if—</p>
Smooth skate (<i>Dipturus innominatus</i>) in all New Zealand fisheries waters	<p>(a) that sea cucumber is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the sea cucumber is taken.</p> <p>A commercial fisher may return any smooth skate to the waters from which it was taken if—</p>
Southern bluefin tuna (<i>Thunnus maccoyii</i>) in all New Zealand fisheries waters and all waters outside the outer boundary of the exclusive economic zone	<p>(a) that smooth skate is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the smooth skate is taken.</p> <p>A person who is a New Zealand national fishing against New Zealand's national allocation of southern bluefin tuna may return any southern bluefin tuna to the waters from which it was taken if—</p>
Southern scallops (<i>Pecten novaezelandiae</i>) in the southern scallop fishery	<p>(a) that southern bluefin tuna is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the southern bluefin tuna is taken.</p> <p>A commercial fisher may return a southern scallop of legal size to the waters from which it was taken if the scallop is likely to survive on return.</p>
Spiny dogfish (<i>Squalus acanthias</i>) in all New Zealand fisheries waters	A commercial fisher may return any spiny dogfish (whether live or dead) to the waters from which it was taken.
Swordfish (<i>Xiphias gladius</i>) in all New Zealand fisheries waters	<p>A commercial fisher may return any swordfish to the waters from which it was taken if—</p> <p>(a) that swordfish is likely to survive on return; and</p> <p>(b) the return takes place as soon as practicable after the swordfish is taken; and</p> <p>(c) that swordfish has a lower jaw to fork length of less than 1.25 m.</p>
	<p>For the purposes of this requirement, lower jaw to fork length means the projected straight line distance from the foremost point of the lower jaw to the rear centre edge of the tail (caudal fin).</p>

- (3) The Minister may make an instrument for any stock or species listed in **table 1** that includes the same or similar requirements, conditions, or size limits found in the corresponding enactment immediately before commencement.
- (4) The Minister may make an instrument for any stock or species listed in **table 2** that includes the same or similar requirements, conditions, or size limits specified in that table. 5
- (5) On the commencement of an instrument that applies to any of those stocks or species, **subclause (1) or (2)**, as the case may be, ceases to apply to those stocks or species.
- (6) If any of those stocks or species ceases to be subject to an instrument made under **section 72A**, the authority conferred by **subclause (1) or (2)** is not revived and the Minister must comply with the statutory prerequisites before including the stock or species in a subsequent instrument under that section. 10
- Subpart 4—References in this Act to Fisheries Act 1983
- 7** **References to Fisheries Act 1983** 15
- The repeal of the Fisheries Act 1983 does not affect the operation of provisions in this Act that refer to any provision of the Fisheries Act 1983.

Schedule 2
Consequential amendments to principal Act

s 30

Section 2(1)

In the definition of **fisheries services**, delete “or the Fisheries Act 1983”. 5

Section 188(5)

Delete “or section 28W(10) of the Fisheries Act 1983”.

Section 265(a)

Delete “or the Fisheries Act 1983” in each place.

Section 294(5)

Delete “by or under Part 6 of the Fisheries Act 1983 or”. 10

Section 296A(c)(ii)

Delete “by or under the Fisheries Act 1983 or”.

Section 296C(1)

Delete “or the Fisheries Act 1983” in each place. 15

Section 296Z(3)

Delete “or in the Fisheries Act 1983”.

Section 296ZE(2)(a)(i)

Delete “or the Fisheries Act 1983”.

Section 297(1)(nd)

Delete “or the Fisheries Act 1983”. 20

Section 314

Repeal section 314.

Schedule 2A
Amendments to Fisheries (Amateur Fishing) Regulations 2013

s 30A

New regulation 16A

After regulation 16, insert:

16A Accumulation limits for hapuku/bass in Auckland (East) FMA and Auckland (West) FMA, Central FMA, and Challenger FMA

(1) This regulation applies to a person if the person has, in the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, or the Challenger FMA,—

- (a) accumulated hapuku/bass over a period of more than 1 day; and
- (b) exceeded the daily limit specified for hapuku/bass in regulation 59A, Part 3 of Schedule 7, or Part 3 of Schedule 8 (as applicable); and
- (c) established the defence set out in regulation 157(1).

(2) The person may, on any day, possess 3 hapuku/bass (the **accumulation limit for hapuku/bass**).

(3) A person contravenes this subclause if the person, on any day, possesses more than the accumulation limit for hapuku/bass, but not more than 3 times the accumulation limit.

(4) A person contravenes this subclause if the person, on any day, possesses more than 3 times the accumulation limit for hapuku/bass.

(5) A person who contravenes—

- (a) subclause (3) commits an offence and is liable on conviction to a fine not exceeding \$10,000;
- (b) subclause (4) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

New regulation 59A

After regulation 59, insert:

59A Daily limits for hapuku/bass and kingfish in Auckland (East) FMA and Auckland (West) FMA

(1) The daily limits for hapuku/bass and kingfish that are set by this regulation apply in the Auckland (East) FMA and the Auckland (West) FMA instead of the combined daily limit for hapuku/bass and kingfish that is set by regulation 55.

(2) A person must not, on any day,—

- (a) take more than 2 hapuku/bass (the **daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA**) from the Auckland (West) FMA and the Auckland East FMA; or

New regulation 59A—continued

- (b) possess more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA in those areas; or
- (c) possess more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA taken from within those areas. 5
- (3) A person must not, on any day,—
- (a) take more than the total quantity of kingfish specified in Part 3 of Schedule 6 (the **daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA**) from the Auckland (East) FMA and the Auckland (West) FMA; or 10
- (b) possess more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA in those areas; or
- (c) possess more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA taken from within those areas.
- (4) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA, but not more than 3 times that daily limit. 15
- (5) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA, but not more than 3 times that daily limit. 20
- (6) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times—
- (a) the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA; or
- (b) the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA. 25
- (7) A person who contravenes—
- (a) subclause (4) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
- (b) subclause (5) commits an offence and is liable on conviction to a fine not exceeding \$10,000: 30
- (c) subclause (6) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

Regulation 78

- Revoke regulation 78(2). 35
- In regulation 78(4), delete “, the combined daily limit for hapuku/bass and kingfish,”.
- Revoke regulation 78(5)(b).

Regulation 92

Revoke regulation 92(2).

In regulation 92(4), delete “, the combined daily limit for hapuku/bass and kingfish,”.

Revoke 92(5)(b).

Schedule 7

5

Revoke Part 2 of Schedule 7.

In Schedule 7, Part 3, after the item relating to bluenose, insert:

Hapuku/bass	<u>2</u>
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Schedule 8

Revoke Part 2 of Schedule 8.

In Schedule 8, Part 3, after the item relating to bluenose, insert:

10

Hapuku/bass	<u>2</u>
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Schedule 19

In Schedule 19, Part 1, after the second item relating to regulation 16(3), insert:

r 16A(3)	Possessing more than the <u>accumulation limit for hapuku/ bass, but not more than 2 times that accumulation limit</u>	<u>250</u>
r 16A(3)	Possessing more than 2 times the <u>accumulation limit for hapuku/ bass, but not more than 3 times that accumulation limit</u>	<u>500</u>

In Schedule 19, Part 2, after the second item relating to regulation 59(4), insert:

r 59A(4)	<u>Taking or possessing more than the daily limit for hapuku/bass from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 2 times that daily limit</u>	<u>250</u>
r 59A(4)	<u>Taking or possessing more than 2 times the daily limit for hapuku/ bass from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 3 times that daily limit</u>	<u>500</u>
r 59A(5)	<u>Taking or possessing more than the daily limit for kingfish from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 2 times that daily limit</u>	<u>250</u>
r 59A(5)	<u>Taking or possessing more than 2 times the daily limit for kingfish from or in Auckland (West) FMA and Auckland (East) FMA, but</u>	<u>500</u>

Schedule 19—*continued*

not more than 3 times that daily
limit

In Schedule 19, Part 3, revoke the third and fourth items relating to regulation 78(4).

In Schedule 19, Part 4, revoke the third and fourth items relating to regulation 92(4).

Schedule 3 Amendments to secondary legislation

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Part 1

Amendments to Fisheries (Amateur Fishing) Regulations 2013 5

Regulation 4

After regulation 4(1), insert:

- (1A) If there is a conflict between the provisions in an instrument made by the Minister that apply generally and in an instrument made by the Minister that apply or relate to a specific area (**specific provisions**), the specific provisions prevail. 10

New regulations 5A and 5B

After regulation 5, insert:

5A Minister may set or vary recreational fishing management controls

- (1) The Minister may make instruments that set or vary any daily limits, accumulation limits, minimum or maximum legal sizes, or other recreational fishing management controls for any fish, aquatic life, or seaweed. 15
- (2) References in these regulations to any recreational fishing management controls specified by an instrument made by the Minister must be treated as references to instruments made under this regulation.
- (3) An instrument made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20

5B Application of recreational fishing management controls set or varied by Minister

An instrument made by the Minister under **regulation 5A** applies to the type of fish, aquatic life, or seaweed specified in the instrument (whether by reference to a name specified in regulation 8 or to some other name or description specified by the Minister). 25

Regulation 11

Replace regulation 11(1) with:

- (1) A person must not, on any day, take or possess more than the daily limit for eels specified in an instrument made by the Minister (**the daily limit for eels**). 30

Regulation 11A

Replace regulation 11A(1) with:

Regulation 11A—continued

- (1) A person must not, on any day, take or possess more than the total quantity of baitfish specified in an instrument made by the Minister (the **daily limit for baitfish**).

Regulation 11B

Replace regulation 11B(1) with:

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- (1) A person must not, on any day, take or possess more than the daily limit for southern bluefin tuna specified in an instrument made by the Minister (the **daily limit for southern bluefin tuna**).

Regulation 12

Replace regulation 12(1) with:

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- (1) A person must not, on any day, take or possess more than the daily limit for a species of shellfish specified in an instrument made by the Minister (the **daily limit for a species of shellfish**).

Regulation 13

Replace regulation 13(1) with:

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- (1) A person must not, on any day, take or possess more than the daily limit for rock lobsters specified in an instrument made by the Minister (the **daily limit for rock lobsters**).

Regulation 14

Replace regulation 14(1) with:

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- (1) If the circumstances in subclause (2) are met, a person may, on any day, take an additional number of dredge oysters or scallops up to the limit specified for those species in an instrument made by the Minister under regulation 12.

Regulation 15

Replace regulation 15(1) with:

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- (1) If the circumstances in subclause (2) are met, a person may, on any day, take an additional number of dredge oysters or scallops that is up to 2 times the daily limit specified in an instrument made by the Minister under regulation 12.

Regulation 16

Replace regulation 16(1) and (2) with:

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- (1) This regulation applies to a person if the person has—
- (a) accumulated paua over a period of more than 1 day; and
 - (b) exceeded the daily limit specified for a species of paua in an instrument made by the Minister under regulation 12; and

Regulation 16—continued

- (c) established the defence set out in regulation 157(1).
- (2) The person may, on any day, possess the daily accumulation limit or amount for paua specified in an instrument made by the Minister (the **accumulation limit for paua**).

Regulation 16A

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Replace regulation 16A(1) and (2) with:

- (1) This regulation applies to a person if the person has, in the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, or the Challenger FMA,—
- (a) accumulated hapuku/bass over a period of more than 1 day; and
- (b) exceeded the daily limit specified for hapuku/bass in an instrument made by the Minister; and
- (c) established the defence set out in regulation 157(1).
- (2) The person may, on any day, possess the accumulation limit for hapuku/bass specified in an instrument made by the Minister for the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, and the Challenger FMA (the **accumulation limit for hapuku/bass**).

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Regulation 17

Replace regulation 17(2) with:

- (2) A person must not, on any day, take or possess more than the daily limit for quinnat salmon specified in an instrument made by the Minister (the **daily limit for quinnat salmon**).

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Regulation 17A

In regulation 17A, insert as subclause (2):

- (2) If provisions in an instrument made by the Minister that apply generally and in an instrument made by the Minister that apply or relate to a specific area (**specific provisions**) set different daily limits for blue cod in respect of the same area, the provision setting the lowest daily limit applies to the area.

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New regulations 17C and 17D

After regulation 17B, insert:

17C General daily limits for fish, aquatic life, or seaweed

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- (1) A person must not, on any day, take or possess more than the limit for a species of fish, aquatic life, or seaweed specified in an instrument made by the Minister (the **general daily limit for a species of fish, aquatic life, or seaweed**).
- (2) A person contravenes this subclause if the person, on any day, takes or possesses more than the general daily limit for a species of fish, aquatic life, or seaweed, but not more than 3 times that daily limit.

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New regulations 17C and 17D—continued

- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the general daily limit for a species of fish, aquatic life, or seaweed.
- (4) A person who contravenes—
- (a) subclause (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000: 5
 - (b) subclause (3) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.
- 17D General accumulation limits for fish, aquatic life, or seaweed**
- (1) This regulation applies to a person if the person has— 10
- (a) accumulated a species of fish, aquatic life, or seaweed over a period of more than 1 day; and
 - (b) exceeded the daily limit specified for that species of fish, aquatic life, or seaweed in an instrument made by the Minister; and
 - (c) established the defence set out in regulation 157(1). 15
- (2) The person may, on any day, possess the daily accumulation limit or amount for a species of fish, aquatic life, or seaweed specified in an instrument made by the Minister (the **general accumulation limit for a species of fish, aquatic life, or seaweed**).
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than the general accumulation limit for a species of fish, aquatic life, or seaweed, but not more than 3 times that limit. 20
- (4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the general accumulation limit for a species of fish, aquatic life, or seaweed. 25
- (5) A person who contravenes—
- (a) subclause (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
 - (b) subclause (3) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000. 30

Regulation 18

In the heading to regulation 18, after “Minimum”, insert “or maximum”.

Replace regulation 18(1) with:

- (1) A person must not take or possess a species of fish that is less than the minimum length or exceeds the maximum length for that species specified in an instrument made by the Minister. 35

Regulation 19

Replace regulation 19(1) with:

- (1) A person must not take or possess a species of shellfish (whether entire, chipped, or broken) that is less than the minimum length or exceeds the maximum length for that species specified in an instrument made by the Minister.

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Regulation 30

Replace regulation 30(3) with:

- (3) For the purposes of subclause (1), a rock lobster of a particular species, whether alive or dead (and, if dead, whether cooked, frozen, or chilled) is undersize if the tail is less than the minimum length or width for that species specified in an instrument made by the Minister.
- (4) For the purposes of subclause (1), the Minister's instrument may specify—
- (a) different minimum lengths or widths for rock lobsters of each sex or different kinds of rock lobster, or both;
- (b) how to measure the length or width under Schedule 4.

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Regulation 55

Replace regulation 55(1)(a) with:

- (a) take from the Auckland and Kermadec FMA more than the total quantity of finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or

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Replace regulation 55(2)(a) with:

- (a) take from the Auckland FMA and Kermadec FMA more than the total quantity of hapuku/bass and kingfish specified in an instrument made by the Minister (the **combined daily limit for hapuku/bass and kingfish**); or

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Replace regulation 55(3)(a) with:

- (a) take from the Auckland and Kermadec FMA more than the individual limit specified in an instrument made by the Minister for a species of finfish (the **daily limit for a species of finfish**); or

Regulation 59

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Replace regulation 59(2)(a) with:

- (a) take from the Auckland (West) FMA more than the daily limit for snapper specified in an instrument made by the Minister (the **daily limit for snapper for the Auckland (West) FMA**); or

Replace regulation 59(3)(a) with:

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Regulation 59—*continued*

- (a) take from the Auckland (East) FMA more than the daily limit for snapper specified in an instrument made by the Minister (the **daily limit for snapper for the Auckland (East) FMA**); or

Regulation 59A

Replace regulation 59A(2)(a) with:

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- (a) take from the Auckland (West) FMA and the Auckland East FMA more than the daily limit for hapuku/bass specified in an instrument made by the Minister (the **daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA**); or

Replace regulation 59A(3)(a) with:

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- (a) take from the Auckland (East) FMA and the Auckland (West) FMA more than the daily limit for kingfish specified in an instrument made by the Minister (the **daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA**); or

Regulation 60

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Replace regulation 60(1)(a) with:

- (a) take from the Auckland Coromandel area more than the daily limit for a species of shellfish specified in an instrument made by the Minister (the **daily limit for a species of shellfish**); or

Revoke regulation 60(2).

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Regulation 61

Replace regulation 61(1)(a) with:

- (a) take from the Maketu taiapure more than the daily limit for green-lipped mussels specified in an instrument made by the Minister (the **daily limit for green-lipped mussels**); or

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Regulation 62

Replace regulation 62(1) and (2) with:

- (1) A person must not—
- (a) take from the Auckland (West) FMA or the Kermadec FMA any snapper that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
- (b) possess any snapper that is less than that minimum length or exceeds the maximum length and is taken from within the Auckland (West) FMA or the Kermadec FMA.
- (2) A person must not—

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Regulation 62—*continued*

- (a) take from the Auckland (East) FMA any snapper that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
- (b) possess any snapper that is less than that minimum length or exceeds the maximum length and is taken from within the Auckland (East) FMA.

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Regulation 63

Replace regulation 63(1) with:

- (1) A person must not—
 - (a) take from the Auckland FMA any blue cod that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
 - (b) possess any blue cod that is less than that minimum length or exceeds the maximum length and is taken from within the Auckland FMA.

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Regulation 78

Replace regulation 78(1)(a) with:

- (a) take from the Central FMA more than the total quantity of finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or

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Replace regulation 78(2)(a) with:

- (a) ~~take from the Central FMA more than the total quantity of hapuku/bass and kingfish specified in an instrument made by the Minister (the **combined daily limit for hapuku/bass and kingfish**); or~~

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Replace regulation 78(3)(a) with:

- (a) take from the Central FMA more than the individual limit specified in an instrument made by the Minister for a species of finfish (the **daily limit for a species of finfish**); or

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Regulation 81A

Replace regulation 81A(1)(a) with:

- (a) take from fishery management area 8—Central (Egmont) more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Regulation 82

Replace regulation 82(1) with:

- (1) A person must not—

Regulation 82—continued

- (a) take from the Central FMA any snapper that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
- (b) possess any snapper that is less than that minimum length or exceeds the maximum length taken from within the Central FMA.

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Regulation 83

Replace regulation 83(1) to (3) with:

- (1) A person must not take from the Amateur Taranaki Paua Fishery area any ordinary paua that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister.
- (2) A person must not possess, inside the Amateur Taranaki Paua Fishery area, any ordinary paua that is less than that minimum length or exceeds the maximum length and is taken from that area.
- (3) A person must not possess, outside the Amateur Taranaki Paua Fishery area, any ordinary paua that is less than that minimum length or exceeds the maximum length and is taken from that area.

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Regulation 92

Replace regulation 92(1)(a) with:

- (a) take from the Challenger FMA more than the total quantity of finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or

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Replace regulation 92(2)(a) with:

- (a) ~~take from the Challenger FMA more than the total quantity of hapuku/bass and kingfish specified in an instrument made by the Minister (the **combined daily limit for hapuku/bass and kingfish**); or~~

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Replace regulation 92(3)(a) with:

- (a) take from the Challenger FMA more than the individual limit specified in an instrument made by the Minister for a species of finfish (the **daily limit for a species of finfish**); or

Regulation 95A

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Replace regulation 95A(1)(a) with:

- (a) take from the Challenger (East) area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Replace regulation 95A(5)(a) with:

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- (a) the defendant possessed no more than the number of blue cod specified for this subclause in an instrument issued by the Minister; and

Regulation 96

Replace regulation 96(1)(a) with:

- (a) take from the Marlborough Sounds area more than the daily limit for snapper specified in an instrument made by the Minister (the **daily limit for snapper**); or

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Regulation 97

Replace regulation 97(1)(a) with:

- (a) take from the Challenger FMA more than the daily limit for scallops specified in an instrument made by the Minister (the **daily limit for scallops**); or

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Regulation 100

In the heading to regulation 100, after “**Minimum**”, insert “**or maximum**”.

Replace regulation 100(1) with:

- (1) A person must not—
 - (a) take from the Challenger FMA any sand flounder that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
 - (b) possess any sand flounder that is less than that minimum length or exceeds the maximum length and is taken from within the Challenger FMA.

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Regulation 101

In the heading to regulation 101, after “**Minimum**”, insert “**or maximum**”.

Replace regulation 101(1) with:

- (1) A person must not—
 - (a) take from the Challenger FMA any scallop whose shell (whether entire, chipped, or broken) is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
 - (b) possess any scallop that is less than that minimum length or exceeds the maximum length and is taken from within the Challenger FMA.

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Regulation 117

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Replace regulation 117(1)(a) with:

- (a) take from the South-East FMA more than the total quantity of finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or

Replace regulation 117(2)(a) with:

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Regulation 117—continued

- (a) take from the South-East FMA more than the total quantity of hapuku/bass and kingfish specified in an instrument made by the Minister (the **combined daily limit for hapuku/bass and kingfish**); or

Replace regulation 117(3)(a) with:

- (a) take from the South-East FMA more than the individual limit specified in an instrument made by the Minister for a species of finfish (the **daily limit for a species of finfish**); or

Regulation 119A

Replace regulation 119A(1)(a) with:

- (a) take from the Kaikoura–North Canterbury area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 120

Replace regulation 120(1)(a) with:

- (a) take from the East Otago taiapure more than the daily limit for shellfish specified in an instrument made by the Minister (the **daily limit for shellfish**); or

Regulation 121

Replace regulation 121(1)(a) with:

- (a) take from the East Otago taiapure more than the daily limit for kina specified in an instrument made by the Minister (the **daily limit for kina**); or

Regulation 122

Replace regulation 122(1)(a) with:

- (a) take from the southern part of the East Otago taiapure more than the daily limit for finfish specified in an instrument made by the Minister (the **daily limit for finfish**); or

Regulation 122A

Replace regulation 122A(1)(a) with:

- (a) take from the East Otago taiapure more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 123

Replace regulation 123(1)(a) with:

Regulation 123—*continued*

- (a) take from the Akaroa Harbour taiapure more than the daily limit for a species of fish or shellfish specified in an instrument made by the Minister (the **daily limit for a species of fish or shellfish**); or

Replace regulation 123(2)(a) with:

- (a) take from the Akaroa Harbour taiapure more than the daily limit for finfish specified in an instrument made by the Minister (the **daily limit for finfish**); or

Regulation 123A

Replace regulation 123A(1)(a) with:

- (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area more than the daily limit for a species of fish or shellfish specified in an instrument made by the Minister (the **daily limit for a species of fish or shellfish**); or

Replace regulation 123A(2)(a) with:

- (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area more than the total quantity of albacore, bluenose, hapuku/bass, kingfish, and ling specified in an instrument made by the Minister (the **combined daily limit for albacore, bluenose, hapuku/bass, kingfish, and ling**); or

Replace regulation 123A(3)(a) with:

- (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area more than the total quantity of blue shark, hammerhead shark, mako shark, porbeagle shark, seven gill shark, and thresher shark specified in an instrument made by the Minister (the **combined daily limit for game sharks**); or

Regulation 123B

Replace regulation 123B(1)(a) with:

- (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area more than the daily limit for bladder kelp specified in an instrument made by the Minister (the **daily limit for bladder kelp**); or

Replace regulation 123B(2)(a) with:

- (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area more than the combined daily limit for karengo specified in an instrument made by the Minister (the **daily limit for karengo**); or

Regulation 125

Replace regulation 125(1) with:

- (1) A person must not, on any day,—

Regulation 125—continued

- (a) take from Otago Harbour any quinnat salmon that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
- (b) possess any quinnat salmon that is less than that minimum length or exceeds the maximum length and is taken from within Otago Harbour.

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Regulation 125A

Replace regulation 125A(2) with:

- (2) A person must not, on any day,—
 - (a) take from Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area any sea perch that is less than the minimum length or exceeds the maximum length specified in an instrument made by the Minister; or
 - (b) possess any sea perch that is less than that minimum length or exceeds the maximum length and is taken from within Te Whata Kai o Rakihouia i Te Tai o Marokura—Kaikōura Marine Area.

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Regulation 141

Replace regulation 141(1)(a) with:

- (a) take from the Southland and Sub-Antarctic FMA more than the total quantity of finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or

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Replace regulation 141(2)(a) with:

- (a) take from the Southland and Sub-Antarctic FMA more than the total quantity of hapuku/bass and kingfish specified in an instrument made by the Minister (the **combined daily limit for hapuku/bass and kingfish**); or

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Replace regulation 141(3)(a) with:

- (a) take from the Southland and Sub-Antarctic FMA more than the individual limit specified in an instrument made by the Minister for a species of finfish (the **daily limit for a species of finfish**); or

Regulation 144

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Replace regulation 144(1)(a) with:

- (a) take from the Southland FMA more than the daily limit for mussels specified in an instrument made by the Minister (the **daily limit for mussels**); or

Regulation 145

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In regulation 145(2) and (3), replace “10 scallops” with “the daily limit for scallops” .

Regulation 145—*continued*

Replace regulation 145(4)(a) with:

- (a) take from the Southland and Sub-Antarctic FMA more than the daily limit for scallops specified in an instrument made by the Minister (the **daily limit for scallops**); or

Regulation 145A

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Replace regulation 145A(1)(a) with:

- (a) take from Paterson Inlet (Whaka a Te Wera) more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 146

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Replace regulation 146(1)(a) with:

- (a) take from the Fiordland (Te Moana o Atawhenua) marine area more than the daily limit for a species of fish or shellfish specified in an instrument made by the Minister (the **daily limit for a species of fish or shellfish**); or

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Replace regulation 146(2) with:

- (2) The daily limits for a species of fish or shellfish are subject to the following conditions:
 - (a) if applicable, a daily limit includes any fish taken from the internal waters of Fiordland in accordance with regulations 147 and 147A:
 - (b) a daily limit for blue cod is subject to the prohibition set out in regulation 149.

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Regulation 147

Replace regulation 147(1)(a) with:

- (a) take from the internal waters of Fiordland, or the waters of Milford Sound (as described in the definition of the internal waters of Fiordland in Schedule 18), more than the daily limit for a species of fish or shellfish specified in an instrument made by the Minister (the **daily limit for a species of fish or shellfish**); or

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Revoke regulation 147(1A).

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Replace regulation 147(2) with:

- (2) The maximum daily limit for blue cod specified under subclause (1) is subject to the daily limit for blue cod specified under regulation 147A and the prohibition specified in regulation 149.

Regulation 147A

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Replace regulation 147A(1)(a) with:

Regulation 147A—continued

- (a) take from the internal waters of the Doubtful (Patea), Thompson, and Bradshaw Sounds (the **Sounds**) more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 155A

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Replace regulation 155A(1) with:

- (1) A person must not, on any day,—
 - (a) take from CRA2 more than the daily limit for rock lobsters specified in an instrument made by the Minister (the **daily limit for rock lobsters**); or
 - (b) possess more than the daily limit for rock lobsters in CRA2; or
 - (c) take from CRA2 more than the daily limit for spiny rock lobsters specified in an instrument made by the Minister (the **daily limit for spiny rock lobsters**); or
 - (d) possess more than the daily limit for spiny rock lobsters in CRA2.

Regulation 155E

Replace regulation 155E(1)(a) with:

- (a) take from the Canterbury blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 155F

Replace regulation 155F(1)(a) with:

- (a) take from the Chatham Islands blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Replace regulation 155F(2) with:

- (2) Despite regulation 20A, a person may possess blue cod that is without a head in the Chatham Islands blue cod management area, provided the blue cod is not less than the minimum length and does not exceed the maximum length specified in an instrument made by the Minister.

Regulation 155G

Replace regulation 155G(1)(a) with:

- (a) take from the Kahurangi blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

Regulation 155H

Replace regulation 155H(1)(a) with:

- (a) take from the Kaikōura blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Regulation 155I

Replace regulation 155I(1)(a) with:

- (a) take from the North Otago blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Regulation 155J

Replace regulation 155J(1)(a) with:

- (a) take from the South West blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Regulation 155K

Replace regulation 155K(1)(a) with:

- (a) take from the Southern blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Replace regulation 155K(2) with:

- (2) Despite regulation 20A, a person may possess blue cod that is without a head in the Southern blue cod management area, provided the blue cod is not less than the minimum length and does not exceed the maximum length specified in an instrument made by the Minister.

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Regulation 155L

Replace regulation 155L(1)(a) with:

- (a) take from the Tasman blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Regulation 155M

Replace regulation 155M(1)(a) with:

- (a) take from the Westland blue cod management area more than the daily limit for blue cod specified in an instrument made by the Minister (the **daily limit for blue cod**); or

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Replace regulation 155M(2) with:

Regulation 155M—continued

- (2) Despite regulation 20A, a person may possess blue cod that is without a head in the Westland blue cod management area, provided the blue cod is not less than the minimum length and does not exceed the maximum length specified in an instrument made by the Minister.

Regulation 158

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Replace regulation 158 with:

158 Limitation on defence in relation to accumulation limits

The defence set out in regulation 157(1) does not apply to a charge of contravening the accumulation limit for any fish, aquatic life, or seaweed specified in an instrument made by the Minister under these regulations.

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Regulation 159A

Replace regulation 159A(2) with:

- (2) Despite subclause (1), it is a defence to a charge of possessing more than the daily limit for spiny rock lobsters taken from within CRA5 if the defendant satisfies the court that—
- (a) the defendant possessed no more than the number of spiny rock lobsters specified for this subclause in an instrument made by the Minister; and
 - (b) the daily limit for spiny rock lobsters specified under regulation 13(1) was not exceeded; and
 - (c) in the case of spiny rock lobsters held on board or landed from a vessel, the spiny rock lobsters were held in containers or bags that comply with subclause (3).

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Regulation 160

Replace regulation 160(1) with:

- (1) The defence set out in regulation 157(1) does not apply to a charge of possessing more than the daily limit for a species of fish or shellfish specified in an instrument made by the Minister if those fish or shellfish were taken in the Fiordland (Te Moana o Atawhenua) marine area or the internal waters of Fiordland.

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Replace regulation 160(2)(a) and (b) with:

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- (a) the defendant possessed no more than the number of rock lobsters specified for this subclause in an instrument made by the Minister; and
- (b) the daily limit for rock lobster specified under regulation 146 was not exceeded; and

Schedules 1 and 2

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Revoke Schedules 1 and 2.

Schedules 6 to 13

Revoke Schedules 6 to 13.

Schedule 19

- In Schedule 19, Part 2, delete “specified in Part 3 of Schedule 6” in each place.
- In Schedule 19, Part 3, delete “specified in Part 3 of Schedule 7” in each place. 5
- In Schedule 19, Part 4, delete “specified in Part 3 of Schedule 8” in each place.
- In Schedule 19, Part 5, delete “specified in Part 3 of Schedule 9” in each place.
- In Schedule 19, Part 6, delete “specified in Part 3 of Schedule 11” in each place.
- In Schedule 19, Part 6, delete “specified in Schedule 12” in each place.
- In Schedule 19, Part 6, delete “specified in Schedule 13” in each place. 10

Part 3**Amendment to Fisheries (Licensed Fish Receivers) Regulations 1997****Regulation 2**

In regulation 2, replace the definition of **fish receiving** with:

- fish receiving**— 15
- (a) means receiving fish for handling or processing from a commercial fisher in circumstances to which **section 191(1)(c)** or (2) of the Fisheries Act 1996 does not apply; but
- (b) does not include the receiving of fish by the Crown

Part 4 20**Amendment to Fisheries (Electronic Monitoring on Vessels) Regulations 2017****Regulation 9**

Replace regulation 9(1) and (2) with:

- (1) The electronic monitoring equipment on a vessel must be used to— 25
- (a) record fishing and related activities, including—
- (i) the taking, return, abandonment, processing, or sorting of fish or other animals that are aquatic life; and
- (ii) transportation connected with fishing; and
- (iii) measures to avoid, remedy, or mitigate fishing-related mortality; 30
and
- (b) detect and record associated information in accordance with any requirements specified in a circular.

Regulation 9—continued

- (2) The video recording must enable the chief executive to, with reasonable accuracy and to the extent specified in a circular,—
- (a) identify—
 - (i) the type of fish or other animal that is aquatic life taken or transported; and
 - (ii) the types and features of fishing gear used; and
 - (iii) any bycatch mitigation measures adopted or used; and
 - (b) estimate the size and quantity of the fish or other animal that is aquatic life taken, returned, abandoned, processed, sorted, or transported.

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Part 5

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**Amendment to Fisheries (Electronic Monitoring on Vessels)
Amendment Regulations 2022**

Regulation 9

Replace regulation 9(2) with:

- (2) Replace regulation 9(1) with:
- (1) The electronic monitoring equipment on a vessel must be used to—
- (a) record monitored fishing and related activities, including—
 - (i) the taking, return, abandonment, processing, or sorting of fish or other animals that are aquatic life; and
 - (ii) transportation connected with monitored fishing; and
 - (iii) measures to avoid, remedy, or mitigate fishing-related mortality; and
 - (b) detect and record associated information in accordance with any requirements specified in a circular.

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Legislative history

13 April 2022
5 May 2022
20 September 2022
27 September 2022
28 September 2022

Introduction (Bill 117–1)
First reading and referral to Primary Production Committee
Reported from Primary Production Committee (Bill 117–2)
Second reading
Committee of the whole House (Bill 117–3)
Third reading