



Fisheries Amendment Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 4th day of September 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 19(5)(c), 77, 186, 296B, 297, and 304 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) in relation to Part 10, on the recommendation of the Minister for Oceans and Fisheries made after complying with the requirement in section 77(6) of the Fisheries Act 1996.

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Regulations

1 Title

These regulations are the Fisheries Amendment Regulations 2023.

2 Commencement

- (1) These regulations come into force on 6 October 2023.
- (2) However, regulations 16, 70 to 73, and 87 come into force on 1 April 2024.

Part 1

Amendments to Fisheries (Amateur Fishing) Regulations 2013

3 Principal regulations

This Part amends the Fisheries (Amateur Fishing) Regulations 2013.

4 Regulation 6 amended (Interpretation: general)

In regulation 6(1), insert in its appropriate alphabetical order:

gutted, in relation to the body of a fish, means the internal organs of the abdominal cavity have been removed, whether or not the gills and organs of the thoracic cavity have been removed

5 Regulation 9 amended (Interpretation: fishing gear and methods)

In regulation 9, definition of **line**, replace paragraph (b) with:

(b) that is set, moored, or placed, or capable of being set, moored, or placed; and

6 Regulation 16 amended (Accumulation limit for paua)

After regulation 16(1), insert:

(1A) However, this regulation does not apply to a person if the person has taken paua in fishery management area 4—South East (Chatham Rise) as defined in Part 1 of Schedule 1 of the Act.

7 Regulation 17D amended (General accumulation limits for fish, aquatic life, or seaweed)

After regulation 17D(1), insert:

(1A) However, this regulation does not apply to a person if the person has taken fish, aquatic life, or seaweed in fishery management area 4—South East (Chatham Rise) as defined in Part 1 of Schedule 1 of the Act.

8 Regulation 20A amended (Measurable state for blue cod)

(1) Replace regulation 20A(2) with:

(2) However, a person may possess blue cod—
(a) that has been bled; or
(b) in another state if the blue cod is to be immediately eaten on the fishing vessel from which it was taken.

(2) After regulation 20A(3), insert:

(4) In this regulation, **bled** means causing rapid blood loss after capture, but must not involve severing of the spine or the fleshy bridge (throat) on the underside of the head directly under the gills.

9 Regulation 31 amended (Prohibition on taking or possessing rock lobsters in prohibited states)

(1) Revoke regulation 31(1)(d) and (e).

(2) Replace regulation 31(1)(f) with:

(f) if the calcified bar or any part of the exoskeleton of the second abdominal segment of the tail is fractured;
(g) if a part of any primary pleural spine of the second abdominal segment is broken.

(3) After regulation 31(1), insert:

(1A) However, subclause (1)(f) and (g) does not apply to a person taking or possessing any of the following:

(a) spiny rock lobsters that—
(i) weigh 600 g or more; or
(ii) have a carapace length of 110 mm or more;
(b) packhorse rock lobsters that—
(i) weigh 2 kg or more; or
(ii) have a tail length of 216 mm or more.

10 Regulation 42 amended (Restrictions on line fishing)

- (1) After regulation 42(1), insert:
 - (1A) A person must not deploy from a vessel in New Zealand fisheries waters any line that is set, moored, placed, or otherwise not attached to the vessel unless at least 1 surface float is attached to it.
- (2) In regulation 42(2), delete “on board a vessel”.
- (3) In regulation 42(2) and (3), after “New Zealand fisheries”, insert “waters”.
- (4) In regulation 42(5), after “Subclauses”, insert “(1A),”.
- (5) In regulation 42(6), after “(1),”, insert “(1A),”.

11 Regulation 95A revoked (Daily limit for blue cod in Challenger (East) area)

Revoke regulation 95A.

12 Regulation 119A and cross-heading revoked

Revoke regulation 119A and the cross-heading above regulation 119A.

13 Regulation 129 amended (Restriction on taking rock lobster from Chatham Islands rock lobster fishery during closed season)

- (1) In the heading to regulation 129, replace “Chatham Islands rock lobster fishery” with “quota management area CRA6”.
- (2) In regulation 129(1)(a), (b) and (c), replace “Chatham Islands rock lobster fishery” with “quota management area CRA6”.

14 Regulation 158A amended (Limitation on defence in relation to possession of blue cod)

- (1) After regulation 158A(2)(b), insert:
 - (ba) Canterbury (Hurunui River to Rakaia River) blue cod management area;
or
- (2) After regulation 158A(c), insert:
 - (ca) North Otago (Rakaia River to Taiaroa Head) blue cod management area;
or

15 Regulation 159A amended (Limitation on defence in relation to possessing spiny rock lobsters taken from CRA5 (Canterbury/Marlborough))

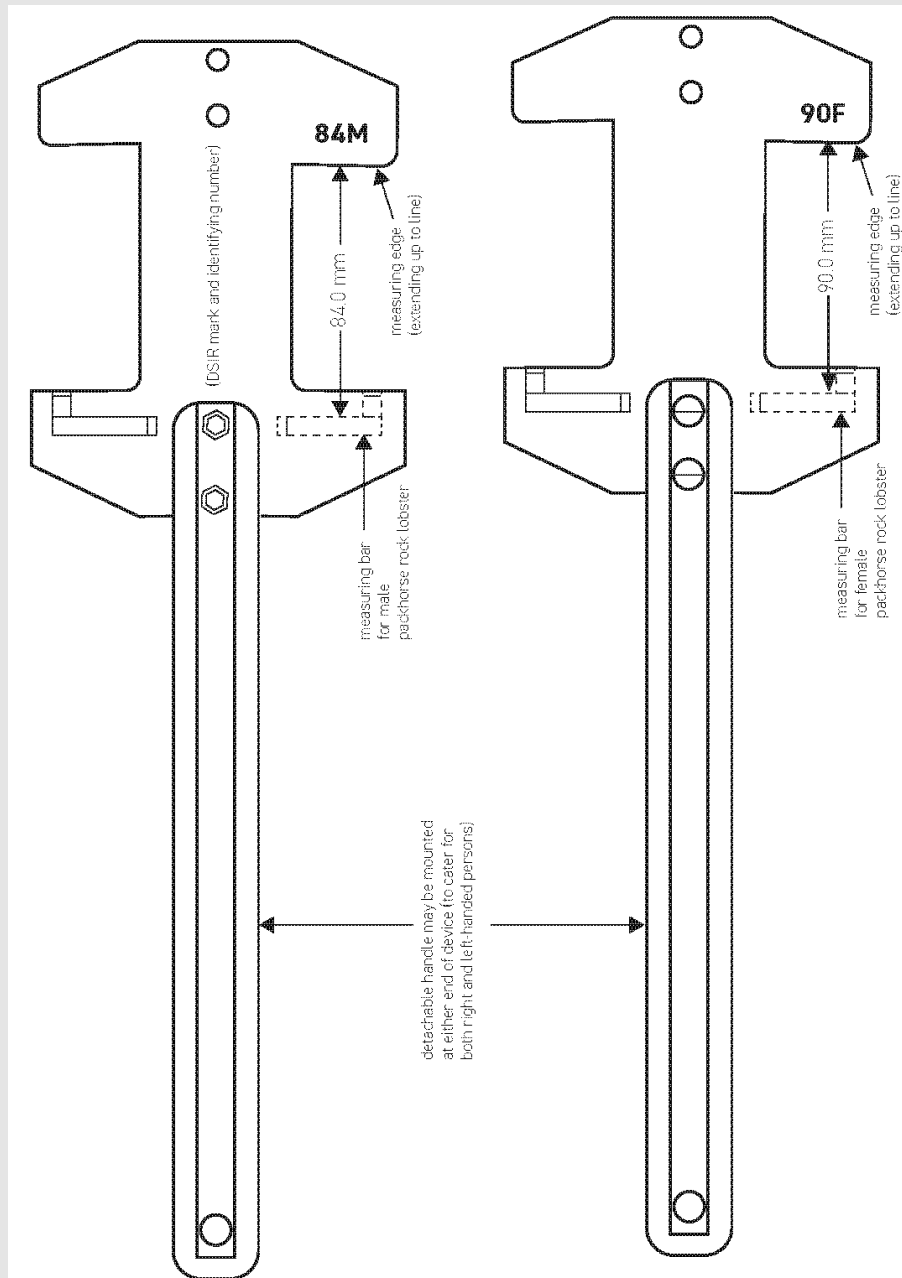
In regulation 159A(2)(c), delete “in the case of spiny rock lobsters held on board or landed from a vessel,”.

16 Schedule 4 amended

- (1) In Schedule 4, clause 1(a) and (b), delete “spiny”.
- (2) In Schedule 4, revoke the cross-heading above clause 2.

- (3) In Schedule 4, in the heading to clause 2, delete “**spiny**”.
- (4) In Schedule 4, clause 2, delete “spiny”.
- (5) In Schedule 4, in the heading to clause 3, delete “**spiny**”.
- (6) In Schedule 4, clause 3(1), (3)(a), (5), and (6), delete “spiny”.
- (7) In Schedule 4, after clause 3(2)(b)(ii)(B), insert:
 - (C) “90” and “F”, for measuring the tail of a female packhorse rock lobster; or
 - (D) “84” and “M”, for measuring the tail of a male packhorse rock lobster.
- (8) In Schedule 4, revoke the cross-heading above clause 4.
- (9) In Schedule 4, revoke clauses 4 and 5.
- (10) In Schedule 4, in the heading to clause 6, delete “**spiny**”.
- (11) In Schedule 4, clause 6, insert as item (2):

- (2) The following diagram depicts the tail-width measuring device for packhorse rock lobster:



- (12) In Schedule 4, in the heading to clause 7, delete “spiny”.
- (13) In Schedule 4, clause 7, delete “spiny”.
- (14) In Schedule 4, in the heading to clause 8, delete “spiny”.
- (15) In Schedule 4, clause 8, delete “spiny”.

17 Schedule 14 amended

In Schedule 14, clause 1, replace the definition of **Auckland (East) FMA** with:
Auckland (East) FMA means the area of New Zealand fisheries waters described as fishery management area 1—Auckland (East) in Part 1 of Schedule 1 of the Act

18 Schedule 17 amended

In Schedule 17, clause 1, revoke the definition of **Chatham Islands rock lobster fishery**.

19 Schedule 19 amended

- (1) In Schedule 19, Part 4, delete the items relating to regulation 95A(2).
- (2) In Schedule 19, Part 5, delete the items relating to regulation 119A(2).
- (3) In Schedule 19, Part 5, item relating to regulation 129, replace “Chatham Islands rock lobster fishery” with “quota management area CRA6”.

Part 2**Amendments to Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986****20 Principal regulations**

This Part amends the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

21 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), revoke the definitions of **Auckland fishery management area**, **Coromandel scallop fishery**, and **Kermadec fishery management area**.
- (2) In regulation 2(1), insert in its appropriate alphabetical order:
quota management area SCACS means the area defined as quota management area SCACS—Coromandel scallop fishery in Schedule 4 of the Fisheries (Declaration of New Stock Subject to Quota Management System) Notice 2001
- (3) Replace regulation 2(2) with:
 - (2) In these regulations, a reference to a named quota management area is a reference to the area of that name as declared by or under the Act to be a quota management area.

22 Regulation 2A amended (Trawling by vessels over 46 m long prohibited in certain waters)

In regulation 2A(a) and (b), replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.

- 23 Regulation 2B amended (Trawling prohibited in certain seamount areas)**
In regulation 2B(2)(a), (b), (c), (d), (e), and (f), replace “fisheries” with “fishery”.
- 24 Regulation 4E amended (Taking of kina prohibited in certain areas)**
In regulation 4E, replace “quota” with “fishery”.
- 25 Regulation 5 amended (Restriction on mesh size of trawl nets)**
In regulation 5(1) and (1A), replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.
- 26 Regulation 5C amended (Certain species may be taken by use of nets)**
In regulation 5C, replace “quota” with “fishery” in each place.
- 27 Regulation 5F amended (Minimum set net mesh size)**
- (1) In regulation 5F, replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.
 - (2) In regulation 5F, insert as subclause (2):
 - (2) The minimum set net mesh size in the table in subclause (1) applies only when the relevant species of fish is the target species.
- 28 Regulation 10B amended (Trawl fishing prohibited in defined areas)**
In regulation 10B(1)(b)(xv), delete “—Auckland (West)”.
- 29 Regulation 13 amended (Drag net mesh size for snapper)**
In regulation 13, replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.
- 30 Regulation 15 amended (Set netting for snapper, trevally, or rig)**
In regulation 15, replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.
- 31 Regulation 15A amended (Set netting prohibited in defined areas)**
In regulation 15A(1)(l)(iii)(S), replace “Auckland (West) fishery management area” with “fishery management area 9”.
- 32 Regulation 18A amended (Fishing in Kermadec fisheries management area prohibited)**
- (1) In the heading to regulation 18A, replace “Kermadec fisheries management area” with “fishery management area 10”.
 - (2) In regulation 18A(1), replace “quota” with “fishery”.

33 Regulation 20 amended (Taking of spotted black groper prohibited)

In regulation 20, replace “the Auckland fishery management area or the Kermadec fishery management area” with “fishery management areas 1 and 9 or fishery management area 10”.

34 Regulation 20A amended (Taking of squid from Kermadec area prohibited)

- (1) In the heading to regulation 20A, replace “**Kermadec area**” with “**fishery management area 10**”.
- (2) In regulation 20A, replace “the Kermadec fishery management area” with “fishery management area 10”.

35 Regulation 20B amended (Taking of shortbill spearfish and sailfish prohibited in Auckland fishery management area)

- (1) In the heading to regulation 20B, replace “**Auckland fishery management area**” with “**fishery management areas 1 and 9**”.
- (2) In regulation 20B(1), replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.

36 Regulation 20E amended (Sale of reef fish)

In regulation 20E, replace “the Auckland fishery management area” with “fishery management areas 1 and 9”.

37 Regulation 22 amended (Taking of scallops)

- (1) In regulation 22(2), (3), (4), and (5), replace “the Coromandel scallop fishery” with “quota management area SCACS”.
- (2) In regulation 22(5), replace “quota” with “fishery” in each place.

38 Regulation 22B amended (Size limit on scallops taken from Coromandel scallop fishery)

- (1) In the heading to regulation 22B, replace “**Coromandel scallop fishery**” with “**quota management area SCACS**”.
- (2) In regulation 22B(1)(a) and (b) and (3), replace “the Coromandel scallop fishery” with “quota management area SCACS”.

Part 3**Amendments to Fisheries (Central Area Commercial Fishing)
Regulations 1986****39 Principal regulations**

This Part amends the Fisheries (Central Area Commercial Fishing) Regulations 1986.

40 Regulation 2 amended (Interpretation)

Replace regulation 2(2) with:

- (2) In these regulations, a reference to a named quota management area is a reference to the area of that name as declared by or under the Act to be a quota management area.

41 Regulation 3A amended (Minimum set net mesh size)

- (1) In regulation 3A, replace “the Central fishery management area” with “fishery management areas 2 and 8”.
- (2) In regulation 3A, insert as subclause (2):
- (2) The minimum set net mesh size in the table in subclause (1) applies only when the relevant species of fish is the target species.

42 Regulation 6A amended (Trawling by vessels over 46 m long prohibited in certain waters)

- (1) In regulation 6A(a), replace “the Central fishery management area (as defined in a notice published in the *Gazette* of 1986 at page 412)” with “fishery management area 2”.
- (2) In regulation 6A(b), replace “the Central fishery management area (as so defined)” with “fishery management area 2”.
- (3) In regulation 6A(c), replace “the Central fishery management area (as so defined)” with “fishery management area 8”.

43 Regulation 6B amended (Trawling prohibited in certain seamount areas)

In regulation 6B(2)(a) and (b), replace “fisheries” with “fishery”.

44 Regulation 6C amended (Trawling prohibited from Tirua Point to Waiwhakaiho River)

In regulation 6C(1)(k), replace “Central fishery management area” with “fishery management area 8”.

45 Regulation 7A amended (Set netting prohibited in shallow waters)

In regulation 7A, replace “the Central fishery management area” with “fishery management areas 2 and 8”.

46 Regulation 7B amended (Set net soak time)

In regulation 7B, replace “the Central fishery management area” with “fishery management areas 2 and 8”.

47 Regulation 7D amended (Set netting prohibited in defined waters)

In regulation 7D(1)(a)(viii), delete “—Central (Egmont)”.

- 48 Regulation 14D amended (Taking of certain paddle crabs prohibited)**
In regulation 14D, replace “quota” with “fishery” in each place.
- 49 Regulation 14E amended (Restriction on method of fishing for octopus or hagfish)**
In regulation 14E(1), replace “quota” with “fishery” in each place.
- 50 Regulation 14H amended (Restriction on method of taking seaweed)**
In regulation 14H(1), replace “quota” with “fishery” in each place.
- 51 Regulation 14I amended (Taking eels from waters of national parks prohibited)**
In regulation 14I(1), replace “quota” with “fishery” in each place.

Part 4

Amendments to Fisheries (Challenger Area Commercial Fishing) Regulations 1986

- 52 Principal regulations**
This Part amends the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.
- 53 Regulation 2 amended (Interpretation)**
- (1) In regulation 2(1), revoke the definition of **Challenger Fisheries Management Area**.
- (2) In regulation 2(1), insert in their appropriate alphabetical order:
- COC7A** means the quota management area described as COC7A in Schedule 3 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice 2002
- COC7B** means the quota management area described as COC7B in Schedule 3 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice 2002
- (3) Replace regulation 2(2) with:
- (2) In these regulations, a reference to a named quota management area is a reference to the area of that name as declared by or under the Act to be a quota management area.
- 54 Regulation 2A amended (Minimum set net mesh size)**
- (1) In regulation 2A, replace “the Challenger Fishery Management Area” with “fishery management area 7”.
- (2) In regulation 2A, insert as subclause (2):

(2) The minimum set net mesh size in the table in subclause (1) applies only when the relevant species of fish is the target species.

55 Regulation 2BA amended (Set netting prohibited in shallow waters)

In regulation 2BA, replace “the Challenger Fishery Management Area” with “fishery management area 7”.

56 Regulation 2BB amended (Set net soak time)

In regulation 2BB, replace “the Challenger Fishery Management Area” with “fishery management area 7”.

57 Regulation 2BC amended (Set net fishing prohibited in certain areas from Clarence Point to Cape Jackson)

In regulation 2BC(1)(b), (c), and (d), replace “Challenger Fisheries Management Area” with “fishery management area 7”.

58 Regulation 2BD amended (Set net fishing prohibited in certain areas from Farewell Spit Lighthouse to Awarua Point)

In regulation 2BD(1)(u), replace “Challenger Fisheries Management Area” with “fishery management area 7”.

59 Regulation 7A amended (Trawling by vessels over 46 m long prohibited in certain waters)

In regulation 7A(a), replace “the Challenger Fishery Management Area (as defined in a notice published in the *Gazette* of 1986 at page 412)” with “fishery management area 7”.

60 Regulation 12C amended (Restrictions on taking cockle)

- (1) In regulation 12C(1), replace “quota management area 7A” with “COC7A”.
- (2) In regulation 12C(4), replace “quota management area 7B” with “COC7B”.

61 Regulation 13B amended (Pacific oyster)

In regulation 13B, replace “the Challenger Fishery Management Area” with “fishery management area 7”.

62 Regulation 14E amended (Taking of certain paddle crabs prohibited)

In regulation 14E, replace “quota” with “fishery”.

63 Regulation 14F amended (Restriction on method of taking of octopus or hagfish)

In regulation 14F(1), replace “quota” with “fishery”.

64 Regulation 14I amended (Restriction on method of taking seaweed)

In regulation 14I(1), replace “quota” with “fishery”.

Part 5

Amendments to Fisheries (Commercial Fishing) Regulations 2001

65 Principal regulations

This Part amends the Fisheries (Commercial Fishing) Regulations 2001.

66 Regulation 3 amended (Interpretation)

In regulation 3, insert in their appropriate alphabetical order:

flapper or flappers means a panel or panels of netting inserted inside the trawl net or Danish seine net in such a way that it allows fish to pass from the front to the rear of the net but limits their return

method of strengthening means a method by which a cod-end, and other parts of the net, can be strengthened by attaching ropes lengthwise to prevent stretching or around the circumference to restrict the diameter under the pressure of accumulated catch

sleeves—

- (a) means material—
 - (i) that is attached externally to the net; and
 - (ii) that acts to lower the effective mesh size of a net; but
- (b) does not include a chafer or chafing gear that is attached to the net

67 Regulation 24 amended (Areas closed to longliners)

In regulation 24(2)(b), replace “the Auckland Fisheries Management Area” with “fishery management areas 1 and 9”.

68 Regulation 25 amended (Tagging of billfish caught by tuna longliners)

In regulation 25(a)(ii), replace “the Auckland Fisheries Management Area” with “fishery management areas 1 and 9”.

69 Regulation 31 amended (Minimum finfish length and net mesh size)

- (1) After regulation 31(1), insert:
 - (1A) The minimum set net mesh size in the table in subclause (6) applies only when the relevant species of fish is the target species.
- (2) In regulation 31(2), replace “take” with “target”.
- (3) Replace regulation 31(3) with:
 - (3) Despite subclause (1), commercial fishers may target koi or brown bullhead catfish with fyke nets, so long as the net mesh size is not less than 12 mm.

70 Regulation 37 amended (Size limit on rock lobster)

- (1) Replace regulation 37(3)(c) with:

- (c) less than 90 mm wide, in the case of a female packhorse rock lobster, when measured in accordance with regulation 38:
- (2) After regulation 37(3)(c), insert:
 - (d) less than 84 mm wide, in the case of a male packhorse rock lobster, when measured in accordance with regulation 38.

71 Regulation 38 replaced (Method of measurement of spiny rock lobster tail)

Replace regulation 38 with:

38 Method of measurement of rock lobster tail

- (1) For the purposes of these regulations, the width of the tail of a rock lobster is the distance measured in a straight line from the tip of one primary pleural spine on the second abdominal segment of the tail to the tip of the other primary pleural spine on that segment.
- (2) In a dispute as to whether or not a rock lobster is undersize, the matter must be determined by measuring the width of the tail—
 - (a) in accordance with this regulation; and
 - (b) using the tail-width measuring device described in subclause (3) and depicted in Schedule 1.
- (3) The tail-width measuring device must be a device—
 - (a) supplied by the chief executive and must bear the letters “DSIR”, “MAF”, or a Ministry mark and an identifying number; and
 - (b) consisting of a handle with an attachment comprising 2 sets of rigid caliper-type arms, as follows:
 - (i) each set of arms must have one arm with a raised projection (the **measuring bar**); and
 - (ii) the second arm must be marked with a line 2 mm away from, and parallel to, the projected edge of the central column of the device, and be marked with—
 - (A) the expressions “60” and “F”, for measuring the tail of a female spiny rock lobster; or
 - (B) the expressions “54” and “M”, for measuring the tail of a male spiny rock lobster; or
 - (C) the expressions “90” and “F”, for measuring the tail of a female packhorse rock lobster; or
 - (D) the expressions “84” and “M”, for measuring the tail of a male packhorse rock lobster.
- (4) In every case, the tail width must be measured with the relevant set of caliper-type arms in the following manner:
 - (a) the rock lobster or tail must be held with the ventral side uppermost:

- (b) the tip of one of the primary pleural spines on the second abdominal segment must be brought into contact with the inside face of the longer section of the measuring bar (in this position the measuring bar being used will not normally be visible to the person measuring):
 - (c) with the tip of the spine in this position, the measuring device must be rotated to determine whether or not there is a position in which the tip of the other primary pleural spine on the second abdominal segment will reach that part of the inside edge of the other arm of the device that extends from the line referred to in subclause (3)(b)(ii) to the unattached end of the arm (the **measuring edge**).
- (5) No more pressure must be applied to the tail or to the measuring device than is necessary to make the measurement specified in subclause (4).
- (6) The rock lobster will be undersize if, when the tip of one spine is in contact with the inside face of the longer section of the measuring bar, the tip of the other spine fails to reach the measuring edge of the other relevant arm of the measuring device.

72 Regulation 39 amended (Instruments used for measuring spiny rock lobster)

- (1) In the heading to regulation 39, delete “**spiny**”.
- (2) In regulation 39(1), (2), and (3), delete “spiny” in each place.

73 Regulation 40 revoked (Method of measurement of packhorse rock lobster)

Revoke regulation 40.

74 Regulation 41 amended (Taking, possessing, processing, and sale of certain rock lobsters prohibited)

- (1) Revoke regulation 41(1)(e) and (f).
- (2) Replace regulation 41(1)(g) with:
 - (g) the calcified bar or a part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of the tail is fractured; or
 - (h) a part of a primary pleural spine of the second abdominal segment is broken.
- (3) After regulation 41(1), insert:
 - (1A) However, subclause (1)(g) and (h) does not apply to—
 - (a) a spiny rock lobster that—
 - (i) weighs 600 g or more; or
 - (ii) has a carapace length of 110 mm or more; or
 - (b) a packhorse rock lobster that—

- (i) weighs 2 kg or more; or
- (ii) has a tail length of 216 mm or more.

75 Regulation 52B amended (Shark finning prohibited)

Replace regulation 52B(3)(a) with:

- (a) land any species of shark approved by the chief executive as being able to be landed with its fins artificially attached:

76 Regulation 52C amended (Circulars relating to shark finning)

Replace regulation 52C(1) with:

- (1) The chief executive may issue, amend, or revoke a circular that—
 - (a) specifies the species of shark for which—
 - (i) fins may be landed separately from the body of the shark; or
 - (ii) fins may be landed artificially attached to the body of the shark; and
 - (b) for a circular issued under paragraph (a)(i),—
 - (i) sets the fin to greenweight ratio for the landing of fins and bodies for each species of shark; and
 - (ii) specifies the primary fins associated with each species of shark.

77 Regulation 54 amended (Longlines, static fishing gear, and set nets)

- (1) In regulation 54(1), after “set nets,”, insert “pots attached to a backbone,”.
- (2) After regulation 54(3), insert:
- (4) This regulation does not apply to fyke nets.

78 Regulation 55 replaced (Fyke nets)

Replace regulation 55 with:

55 Fyke nets

Commercial fishers must not use for fishing, or have on board a fishing vessel, a fyke net unless a surface float is securely attached that is clearly, permanently, and legibly marked with the registration number of the vessel from which it is set or transported.

79 Regulation 56 amended (Pots)

After regulation 56(2), insert:

- (3) This regulation does not apply to pots attached to a backbone.

80 Regulation 60 amended (Restrictions on nets in channels)

Replace regulation 60(4) with:

- (4) For the purposes of subclause (2), **width of an arm of the sea**—

- (a) means the shortest line of any straight lines that may be drawn between any point on the water's edge and any point on the opposing water's edge, being a line that at some point intersects the net, or a wing, leader, or other item attached to the net; and
- (b) includes an estuary, inlet, bay, or sound.

81 Regulation 65 amended (Length of set net)

Revoke regulation 65(8).

82 Regulation 69 amended (Danish seine net restrictions)

- (1) In regulation 69(2)(d), replace “form” with “method”.
- (2) After regulation 69(2), insert:
- (3) In this regulation, **liner** means any material that is attached to any part of the inside of a Danish seine net in a way that means it acts to reduce the ability of fish to escape the net.

83 Regulation 71 amended (Trawl net restrictions)

After regulation 71(5), insert:

- (6) In this regulation, **liner** means any material that is attached to any part of the inside of a trawl net in a way that means it acts to reduce the ability of fish to escape the net.

84 Regulation 71A amended (Approval of trawl nets)

Revoke regulation 71A(7).

85 Regulation 79A amended (Requirements for pots used for taking blue cod or octopus)

After regulation 79A(2), insert:

- (3) The requirements in subclauses (1) and (2) only apply when the specified species in that subclause is the target species.

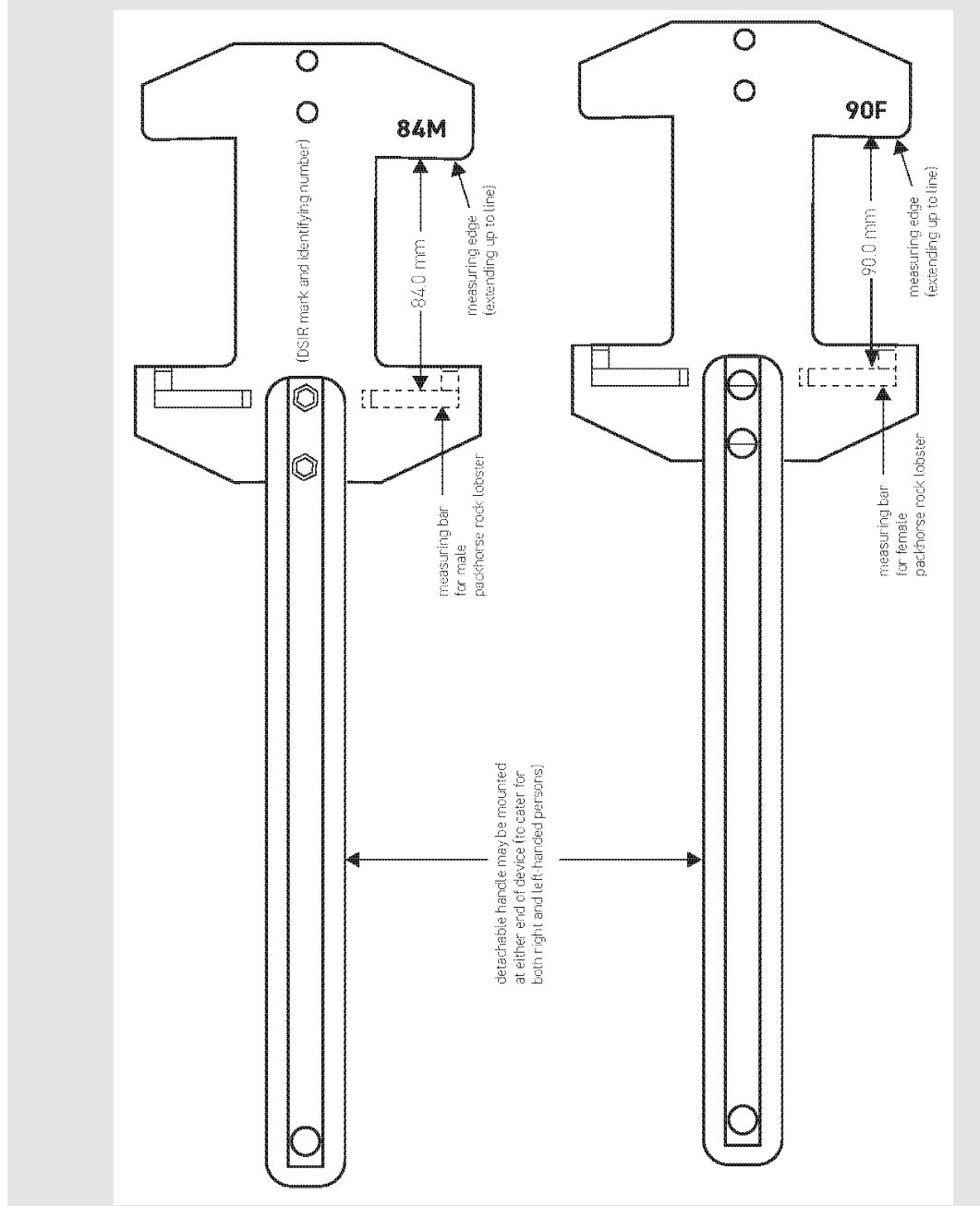
86 Regulation 84 amended (Offences)

In regulation 84(3), replace “65(1), (3), (8) or (9)” with “65(1), (3), or (9)”.

87 Schedule 1 amended

- (1) In the Schedule 1 heading, delete “spiny”.
- (2) In Schedule 1, item 1, after “device”, insert “for spiny rock lobster”.
- (3) In Schedule 1, after item 1, insert:

(1A) Tail-width measuring device for packhorse rock lobster



(4) In Schedule 1, item 2, delete “spiny”.

88 Schedule 2 amended

Revoke Part 3 of Schedule 2.

Part 6
Amendment to Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2002

89 Principal notice

This Part amends the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2002.

90 Clause 3 amended (References to quota management areas, species, and codes)

In clause 3(c), replace “North Island and Kermadec fishery management areas” with “North Island fishery management areas”.

Part 7
Amendments to Fisheries (Electronic Monitoring on Vessels) Regulations 2017

91 Principal regulations

This Part amends the Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

92 Regulation 7 amended (Video recording and associated information must be provided to chief executive)

In regulation 7, after “the chief executive”, insert “or a person authorised by the chief executive”.

93 Regulation 11 amended (Chief executive must be notified of technical failure, etc)

In regulation 11(1), after “the chief executive”, insert “or a person authorised by the chief executive”.

Part 8
Amendments to Fisheries (Kaimoana Customary Fishing) Regulations 1998

94 Principal regulations

This Part amends the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

95 Regulation 25 amended (Notification of mātaimai reserve and Tangata Kaitiaki/Tiaki)

In regulation 25(1), replace “regulation 23” with “regulation 24”.

96 Regulation 28 amended (Power to restrict or prohibit fishing in mātaimai reserve)

(1) Replace regulation 28(1) with:

(1) The Tangata Kaitiaki/Tiaki of a mātaimai reserve may make bylaws in respect of the whole or any part of a mātaimai reserve for any purpose that the Tangata Kaitiaki/Tiaki considers necessary for the sustainable utilisation of the fisheries resources in that mātaimai reserve that restrict or prohibit—

- (a) the taking of fisheries resources from the mātaimai reserve; or
- (b) the possession of fisheries resources in the mātaimai reserve; or
- (c) the possession of fisheries resources taken from within the mātaimai reserve.

(2) In regulation 28(2)(a), (b), (c), and (e), after “taken”, insert “or possessed”.

97 Regulation 29 amended (Notification of restriction or prohibition)

In regulation 29(1), after “taking”, insert “or possession”.

98 New regulation 44A inserted (Defence available if fisheries resources taken from outside mātaimai reserve)

After regulation 44, insert:

44A Defence available if fisheries resources taken from outside mātaimai reserve

It is a defence in any proceedings where any person possessed fisheries resources contrary to regulation 44, if the person can show that the fisheries resources to which the charge relates were lawfully taken from outside the mātaimai reserve.

Part 9

Amendment to Fisheries (Licensed Fish Receivers) Regulations 1997

99 Principal regulations

This Part amends the Fisheries (Licensed Fish Receivers) Regulations 1997.

100 Regulation 2 amended (Interpretation)

In regulation 2, definition of **premises**, paragraph (a), replace “and” with “or”.

Part 10

Amendments to Fisheries (Over-Fishing Thresholds for Quota Management Stocks) Order 2001

101 Principal order

This Part amends the Fisheries (Over-Fishing Thresholds for Quota Management Stocks) Order 2001.

102 Schedule amended

- (1) In the Schedule, revoke the item relating to freshwater eels.
- (2) In the Schedule, replace the item relating to long-finned freshwater eel with:

Long-finned freshwater eel	LFE11	5	25
	LFE12	5	25
	LFE13	5	25
	LFE14	5	25
	LFE15	5	25
	LFE16	5	25
	LFE17	5	25
	LFE20	5	25
	LFE21	5	25
	LFE22	5	25
	LFE23	5	25

- (3) In the Schedule, replace the item relating to short-finned freshwater eel with:

Short-finned freshwater eel	SFE11	5	25
	SFE12	5	25
	SFE13	5	25
	SFE14	5	25
	SFE15	5	25
	SFE16	5	25
	SFE17	5	25
	SFE20	5	25
	SFE21	5	25
	SFE22	5	25
	SFE23	5	25

Part 11

Amendments to Fisheries (Reporting) Regulations 2017

103 Principal regulations

This Part amends the Fisheries (Reporting) Regulations 2017.

104 Regulation 3 amended (Interpretation)

- (1) In regulation 3, definition of **fishing trip** or **trip**, paragraph (a)(ii)(A), delete “with fish on board”.
- (2) In regulation 3, definition of **fishing trip** or **trip**, after paragraph (a)(ii)(A) insert:
 - (AA) returns to a place at which the vessel is moored or berthed after fish have been placed in a holding container in the water and there are no fish remaining on board, unless fishing is intended to resume on the following day and 1 or more persons remain on board the vessel; or
 - (AB) for a trip involving setting only, returns to a place at which the vessel is moored or berthed; or
- (3) In regulation 3, definition of **fishing trip** or **trip**, replace paragraph (b)(ii) with:
 - (ii) ends when the permit holder stops fishing for the day

105 Regulation 49 amended (Penalties)

In regulation 49(c), replace “(g) to (k)” with “(g) to (l)”.

Part 12**Amendments to Fisheries (South-East Area Commercial Fishing)
Regulations 1986****106 Principal regulations**

This Part amends the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

107 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), revoke the definition of **Chatham Islands rock lobster fishery**.
- (2) In regulation 2(1), replace the definition of **fishing trip** with:

fishing trip has the meaning given by regulation 3 of the Fisheries (Reporting) Regulations 2017
- (3) Replace regulation 2(2) with:
 - (2) In these regulations, a reference to a named quota management area is a reference to the area of that name as declared by or under the Act to be a quota management area.

108 Regulation 2B amended (Minimum set net mesh size)

- (1) In regulation 2B, replace “the South-East fishery management area” with “fishery management areas 3 and 4”.

- (2) In regulation 2B, insert as subclause (2):
- (2) The minimum set net mesh size in the table in subclause (1) applies only when the relevant species of fish is the target species.
- 109 Regulation 2C amended (Minimum net mesh for queen scallop trawling)**
In regulation 2C(1), replace “the South-East fishery management area” with “fishery management areas 3 and 4”.
- 110 Regulation 3A amended (Commercial use of surface nets)**
In regulation 3A(1), replace “quota” with “fishery” in each place.
- 111 Regulation 3B amended (Whitebait net may be used to take Stokell-smelt)**
In regulation 3B, replace “quota” with “fishery”.
- 112 Regulation 3E amended (Set net soak times)**
In regulation 3E(1), replace “the South-East fishery management area” with “fishery management areas 3 and 4”.
- 113 Regulation 4C amended (Trawling prohibited in certain seamount areas)**
In regulation 4C(2)(a), (b), (c), (d), and (e), replace “fisheries” with “fishery”.
- 114 Regulation 5AAA amended (Trawl net fishing prohibited in certain area from Clarence Point to Slope Point)**
In regulation 5AAA(1)(37) and (38), replace “South-East fishery management area” with “fishery management area 3”.
- 115 Regulation 5AAC amended (Set net fishing prohibited in certain area from Clarence Point to Slope Point)**
In regulation 5AAC(1)(44), replace “South-East fishery management area” with “fishery management area 3”.
- 116 Regulation 6 amended (Special provisions relating to taking of rock lobster from quota management area CRA7)**
In regulation 6(1)(d), after “licensed fish receiver”, insert “with premises”.
- 117 Regulation 7 amended (Processing and sale of quota management area CRA7 rock lobster)**
In regulation 7(1), replace “rock lobster tail under regulation 6” with “rock lobster tail taken under regulation 6(1)”.
- 118 Regulation 8B amended (Closed season for Chatham Islands rock lobster fishery)**
(1) In the heading to regulation 8B, replace “Chatham Islands rock lobster fishery” with “quota management area CRA6”.

- (2) In regulation 8B(a), replace “the Chatham Islands rock lobster fishery” with “quota management area CRA6”.

119 Regulation 10A amended (Restrictions on fishing in paua quota management areas)

Replace regulation 10A(1) with:

- (1) No commercial fisher may take paua from more than 1 of the following quota management areas described in Schedule 1 of the Fisheries Act 1996 during the course of any fishing trip:
- (a) quota management area PAU5A—Fiordland:
 - (b) quota management area PAU5B—Stewart Island:
 - (c) quota management area PAU5D—Southland and Otago.

120 Regulation 11A amended (Totally prohibited species)

In regulation 11A, replace “quota” with “fishery” in each place.

121 Regulation 11K amended (Restrictions on fishing methods)

In regulation 11K(4), replace “quota” with “fishery”.

122 Regulation 11M amended (Taking eels from waters of national parks restricted)

In regulation 11M(1), replace “quota” with “fishery” in each place.

Part 13

Amendments to Fisheries (South Island Customary Fishing) Regulations 1999

123 Principal regulations

This Part amends the Fisheries (South Island Customary Fishing) Regulations 1999.

124 Regulation 2 amended (Interpretation)

In regulation 2(1), definition of **tāngata whenua**, replace paragraph (a)(ii) with:

- (ii) Ngāti Apa ki te Rā Tō Trust:

125 Regulation 25 amended (Power to restrict or prohibit fishing in mātaimai reserves)

- (1) Replace regulation 25(1) with:

- (1) The Tāngata Tiaki/Kaitiaki of a mātaimai reserve may make bylaws in respect of the whole or any part of a mātaimai reserve for any purpose that the Tāngata

Tiaki/Kaitiaki consider necessary for the sustainable management of the fisheries resources in that mātaaitai reserve that restrict or prohibit—

- (a) the taking of fisheries resources from the mātaaitai reserve; or
- (b) the possession of fisheries resources in the mātaaitai reserve; or
- (c) the possession of fisheries resources taken from within the mātaaitai reserve.

(2) In regulation 25(2)(a), (b), (c), and (e), after “taken”, insert “or possessed”.

126 Regulation 26 amended (Notification of restriction or prohibition)

In regulation 26(1), after “taking”, insert “or possession”.

127 New regulation 43A inserted (Defence available if fisheries resources taken from outside mātaaitai reserve)

After regulation 43, insert:

43A Defence available if fisheries resources taken from outside mātaaitai reserve

A person charged with an offence of possessing fisheries resources contrary to regulation 43 has a defence to those proceedings if the person can show that the fisheries resources to which the charge relates were lawfully taken from outside the mātaaitai reserve.

Part 14

Revocation of Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000

128 Revocation

The Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000 (SR 2000/11) are revoked.

Part 15

Amendments to Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

129 Principal regulations

This Part amends the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

130 Regulation 1 amended (Title, commencement, and application)

Replace the heading to regulation 1 with “**Title and commencement**”.

131 Regulation 2 amended (Interpretation)

(1) In regulation 2(1), replace the definition of **fishing trip** with:

fishing trip has the meaning given by regulation 3 of the Fisheries (Reporting) Regulations 2017

- (2) In regulation 2(1), revoke the definition of **Southland and Sub-Antarctic fishery management areas**.
- (3) Replace regulation 2(2) with:
- (2) In these regulations, a reference to a named quota management area is a reference to the area of that name as declared by or under the Act to be a quota management area.

132 Part 1 heading replaced

Replace the Part 1 heading with:

Part 1 Fishery management area 5—Southland

133 Regulations 3B and 3BA and cross-heading above regulation 3B revoked

Revoke regulations 3B and 3BA and the cross-heading above regulation 3B.

134 Regulations 3C to 3E and cross-heading above regulation 3C revoked

Revoke regulations 3C to 3E and the cross-heading above regulation 3C.

135 Regulation 4 amended (Trawling prohibited in defined area from Slope Point to Sand Hill Point)

In regulation 4(1)(l), replace “Southland and Sub-Antarctic fishery management area” with “fishery management area 5”.

136 Regulation 4A amended (Use of 60 mm mesh trawl net permitted south of 48°S at certain times)

In regulation 4A(1), replace “the Southland fishery management area (as defined in a notice published in the *Gazette* of 1986 at page 412)” with “fishery management area 5”.

137 Regulation 10 amended (Oyster dredges)

In regulation 10(1) and (2), replace “the Foveaux Strait dredge oyster fishery” with “quota management area OYU5”.

138 Regulation 12 amended (Opening oysters)

In regulation 12, replace “the Foveaux Strait dredge oyster fishery” with “quota management area OYU5”.

139 New regulations 14D and 14E inserted

After regulation 14C, insert:

14D Restrictions on fishing in paua quota management areas

- (1) No commercial fisher may take paua from more than 1 of the following quota management areas described in Schedule 1 of the Fisheries Act 1996 during the course of any fishing trip:
 - (a) quota management area PAU5A—Fiordland;
 - (b) quota management area PAU5B—Stewart Island;
 - (c) quota management area PAU5D—Southland and Otago.
- (2) No commercial fisher shall be in possession of paua taken in contravention of subclause (1).

14E Labelling of containers for paua taken in any PAU5 quota management area

- (1) Every master of a fishing vessel must ensure that all paua are held in a container that complies with subclause (2) if they are—
 - (a) taken from the waters of any quota management area referred to in regulation 14D; and
 - (b) either—
 - (i) held on board the vessel; or
 - (ii) landed from the vessel; or
 - (iii) transferred from the vessel to any other vessel.
- (2) The label of the container must clearly and legibly state—
 - (a) the name and registered number of the vessel from which the paua were taken; and
 - (b) the date on which the paua were taken; and
 - (c) the quota management area from which the paua were taken; and
 - (d) the signature of the master of the vessel that took the paua.

140 Part 2 heading replaced

Replace the Part 2 heading with:

Part 2
Fishery management area 6—Sub-Antarctic

141 Regulation 15A amended (Use of 60 mm mesh trawl net permitted)

In regulation 15A(1), replace “the Sub-Antarctic fishery management area (as defined in a notice published in the *Gazette* of 1986 at page 412)” with “fishery management area 6”.

142 Regulation 15C amended (Totally prohibited species)

In regulation 15C, replace “quota” with “fishery” in each place.

143 Regulation 15J amended (Restrictions on use of nets and dredges)

In regulation 15J(3), replace “quota” with “fishery” in each place.

144 Regulation 15JA amended (Trawling prohibited in certain seamount areas)

In regulation 15JA(2)(a), (b), (c), and (e), replace “fisheries” with “fishery”.

145 New regulations 15JB to 15JD inserted

After regulation 15JA, insert:

15JB Minimum set net mesh size

- (1) Despite regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001, the mesh size of any set net used or possessed by any commercial fisher in fishery management areas 5 and 6 must not be less than the appropriate size specified in the following table:

Species of fish	Minimum set net mesh size (mm)
Blue moki	114
Bluenose	160
Grey mullet	90
Hapuku/bass	160
Kahawai	90
School shark	150
Snapper	125

- (2) The minimum set net mesh size in the table in subclause (1) applies only when the relevant species of fish is the target species.

15JC Minimum net mesh for queen scallop trawling

- (1) A commercial fisher must not use or possess a trawl net for taking queen scallop in fishery management areas 5 and 6 with net mesh less than 50 mm.
- (2) However, subclause (1) does not prohibit a commercial fisher from using or possessing a trawl net that has been approved for use under regulation 71A of the Fisheries (Commercial Fishing) Regulations 2001.
- (3) Regulation 4 of the Fisheries (Commercial Fishing) Regulations 2001 ensures that subclause (1) overrides regulation 71 of those regulations.

15JD Set net soak times

A commercial fisher must not leave any set net within fishery management areas 5 and 6 for more than 24 hours without underrunning the net and removing any fish that have been caught.

146 Regulation 15K amended (Taking eels from waters of national parks restricted)

In regulation 15K(1), replace “quota” with “fishery” in each place.

147 Regulation 16 amended (Offences)

- (1) In regulation 16(1), replace “regulations 3C, 5C, 5E, 10, or 15A(2)” with “regulations 5C, 5E, 10, 15A(2), or 15JD”.
- (2) In regulation 16(2), replace “regulations 3, 3A, 3AB, 3B, 3BA, 3D, 3E, 4, 4A, 4B, 6, 11, 12, 14, 14B, 14C, 15, 15AA, 15C, 15F(2), 15H, or 15J to 15K” with “regulations 3, 3A, 3AB, 4, 4A, 4B, 6, 11, 12, 14, 14B, 14C, 14D, 14E, 15, 15AA, 15C, 15F(2), 15H, 15J, 15JA, 15JB, 15JC, or 15K”.

Part 16**Amendments to Fisheries (Squid Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1987****148 Principal notice**

This Part amends the Fisheries (Squid Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1987.

149 Clause 2 amended (Interpretation)

- (1) In clause 2(1), revoke the definitions of **Kermadec Area** and **Southern Islands Area**.
- (2) In clause 2(2), replace “fishery” with “quota”.

150 Schedule amended

- (1) In the Schedule, replace “Kermadec Area” with “SQU10” in each place.
- (2) In the Schedule, replace “Southern Islands Area” with “SQU6” in each place.
- (3) In the Schedule, replace “Auckland Fishery Management Area” with “SQU1” in each place.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on 6 October 2023 (apart from *regulations 16, 70 to 73, and 87*, which come into force on 1 April 2024). These regulations make minor

and technical amendments to the following regulations, orders, and notices under the Fisheries Act 1996:

- Fisheries (Amateur Fishing) Regulations 2013:
- Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986:
- Fisheries (Central Area Commercial Fishing) Regulations 1986:
- Fisheries (Challenger Area Commercial Fishing) Regulations 1986:
- Fisheries (Commercial Fishing) Regulations 2001:
- Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2002:
- Fisheries (Electronic Monitoring on Vessels) Regulations 2017:
- Fisheries (Kaimoana Customary Fishing) Regulations 1998:
- Fisheries (Licensed Fish Receivers) Regulations 1997:
- Fisheries (Over-Fishing Thresholds for Quota Management Stocks) Order 2001:
- Fisheries (Reporting) Regulations 2017:
- Fisheries (South-East Area Commercial Fishing) Regulations 1986:
- Fisheries (South Island Customary Fishing) Regulations 1999:
- Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000:
- Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986:
- Fisheries (Squid Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1987.

Regulatory impact statement

A regulatory impact statement is not required for these regulations.

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry for Primary Industries.