



Fisheries (Amateur Fishing) Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 11th day of November 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 297 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

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Schedule
Schedule 1 replaced

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Regulations

1 Title

These regulations are the Fisheries (Amateur Fishing) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 12 December 2019.

3 Principal regulations

These regulations amend the Fisheries (Amateur Fishing) Regulations 2013 (the **principal regulations**).

4 Regulation 16 amended (Accumulation limit for paua)

After regulation 16(2)(b), insert:

- (c) if any of the paua is taken from quota management area PAU3 or PAU7,—
 - (i) 10 paua; or
 - (ii) if the number of paua cannot be determined, the amount of paua that comprises a shucked weight of 1.25 kg.

5 Regulation 121 amended (Daily limits for paua and kina in East Otago taiapure)

- (1) In the heading to regulation 121, replace “**limits for paua and**” with “**limit for**”.
- (2) Revoke regulation 121(2).
- (3) In regulation 121(3), delete “or the daily limit for paua”.
- (4) Replace regulation 121(4) with:
 - (4) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit for kina.

6 New regulations 129A to 129C inserted

After regulation 129, insert:

129A Prohibition on taking or possessing paua from East Otago taiapure

- (1) A person must not—
 - (a) take any paua from the East Otago taiapure; or

- (b) possess any paua in the East Otago taiapure; or
 - (c) possess any paua taken from within the East Otago taiapure.
- (2) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

129B Restriction on possessing finfish in East Otago taiapure

- (1) A person must not possess any finfish in the East Otago taiapure unless it is in a whole or gutted state.
- (2) However, a person may possess finfish in that taiapure in another state if the finfish is to be immediately eaten on the fishing vessel from which it was taken.
- (3) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (4) It is a defence to a charge of contravening subclause (1) if the defendant satisfies the court that the finfish to which the charge relates were taken outside the East Otago taiapure.

129C Prohibition on taking kelp from East Otago taiapure

- (1) A person must not take any of the following species of kelp from the East Otago taiapure:
- (a) *Durvillaea antarctica*:
 - (b) *Durvillaea willana*:
 - (c) *Ecklonia radiata*:
 - (d) *Lessonia variegata*:
 - (e) *Macrocystis pyrifera*:
 - (f) *Marginariella boryana*:
 - (g) *Marginariella urvilliana*.
- (2) Subclause (1) does not apply to kelp that is unattached and cast ashore.
- (3) A person who contravenes subclause (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

7 Regulation 134 amended (Restriction on using set net in East Otago taiapure)

- (1) In the heading to regulation 134, replace “**Restriction**” with “**Prohibition**”.
- (2) Replace regulation 134(1) with:
- (1) A person must not use a set net for fishing in the East Otago taiapure.
- (3) Revoke regulation 134(3).

8 Regulation 161 amended (Revocations)

After regulation 161(2), insert:

- (3) The following notices are revoked:
- (a) Fisheries (Huriawa Peninsula Paua Harvest Closure) Notice 2016 (*Gazette* 2016-go5055):
 - (b) Fisheries (Mapoutahi Peninsula Paua Harvest Closure) Notice 2016 (*Gazette* 2016-go5067).

9 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in the Schedule of these regulations.

10 Schedule 19 amended

(1) In Schedule 19, Part 5, items relating to regulation 121(3), delete “or paua”.

(2) In Schedule 19, Part 5, after the item relating to regulation 129, insert:

r 129A(1)	Taking or possessing paua from, or possessing paua in, East Otago taiapure	250
r 129B(1)	Possessing finfish in the East Otago taiapure except in a whole or gutted state	250
r 129C(1)	Taking prohibited species of kelp from East Otago taiapure	250

(3) In Schedule 19, Part 5, item relating to regulation 134(1), replace “Leaving set net unattended” with “Using a set net”.

**Schedule
Schedule 1 replaced**

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**Schedule 1
Daily limits for shellfish**

rr 12, 14–16

Species	Daily limit (per person)
Cockle	150
Kina	50
Mussel	50
Dredge oyster	50
Pacific oyster or rock oyster	250
Ordinary paua (except ordinary paua taken from PAU3 or PAU7)	10
Ordinary paua taken from PAU3 or PAU7	5
Yellowfoot paua (except yellowfoot paua taken from PAU3 or PAU7)	10
Yellowfoot paua taken from PAU3 or PAU7	5

Species	Daily limit (per person)
Pipi	150
Scallop	20
Tuatua	150
Any other shellfish (whether of the same or different species)	50

Michael Webster,
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, which come into force on 12 December 2019, amend the Fisheries (Amateur Fishing) Regulations 2013. These regulations apply to people who are not commercial fishers. The amendments—

- decrease the accumulation limit for paua taken from PAU3 and PAU7 quota management areas from 20 paua to 10, and from a shucked weight of 2.5kg to 1.25kg; and
- prohibit taking or possessing paua from, or possessing paua in, the East Otago taiapure; and
- prohibit the possession of finfish in the East Otago taiapure unless they are in a whole or gutted state, or are going to be immediately eaten on the fishing vessel from which they were taken; and
- prohibit taking certain species of kelp from the East Otago taiapure; and
- prohibit the use of set nets for fishing within the East Otago taiapure; and
- revoke the Fisheries (Huriawa Peninsula Paua Harvest Closure) Notice 2016 and the Fisheries (Mapoutahi Peninsula Paua Harvest Closure) Notice 2016; and
- decrease the daily limit for ordinary paua and yellowfoot paua taken from the PAU3 and PAU7 quota management areas from 10 paua to 5.

Regulatory impact assessment

The Ministry for Primary Industries produced a regulatory impact assessment on 25 July 2019 to help inform the decisions taken by the Government relating to the contents of these regulations that decrease the daily limit and accumulation limit for paua taken from PAU3 and PAU7.

A copy of this regulatory impact assessment can be found at—

- <https://www.mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>

- <http://www.treasury.govt.nz/publications/informationreleases/ria>

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These regulations are administered by the Ministry for Primary Industries.