



Fisheries (Amateur Fishing) Amendment Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 25th day of March 2024

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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Regulations

1 Title

These regulations are the Fisheries (Amateur Fishing) Amendment Regulations 2024.

2 Commencement

These regulations come into force on 25 April 2024.

3 Principal regulations

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

4 Regulations 146 and 147 replaced

Replace regulations 146 and 147 with:

Fiordland (Te Moana o Atawhenua) marine area

146 Daily limits in Fiordland (Te Moana o Atawhenua) marine area

- (1) A person must not, on any day,—
- (a) take from the Fiordland (Te Moana o Atawhenua) marine area more than the combined daily limit for finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or
 - (b) possess more than the combined daily limit for finfish taken from within the Fiordland (Te Moana o Atawhenua) marine area; or
 - (c) take from the Fiordland (Te Moana o Atawhenua) marine area more than the combined daily limit for shellfish specified in an instrument made by the Minister (the **combined daily limit for shellfish**); or
 - (d) possess more than the combined daily limit for shellfish taken from within the Fiordland (Te Moana o Atawhenua) marine area; or
 - (e) take from the Fiordland (Te Moana o Atawhenua) marine area more than the daily limit for a species of fish specified in an instrument made by the Minister (the **daily limit for a species of fish**); or
 - (f) possess more than the daily limit for a species of fish taken from within the Fiordland (Te Moana o Atawhenua) marine area.

- (2) When determining whether a person has contravened subclause (1), any of the following taken from within the Fiords or the internal waters of Fiordland are to be counted:
- (a) in the case of the combined daily limit for finfish, any finfish:
 - (b) in the case of the combined daily limit for shellfish, any shellfish:
 - (c) in the case of the daily limit for a species of fish, any fish of that species.

Guidance note

The Fiords are within the Fiordland (Te Moana o Atawhenua) marine area.

The internal waters of Fiordland are within the Fiords.

The following are within the internal waters of Fiordland:

- the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds:
- the Milford Sound (Piopiotahi) blue cod closure area.

See—

- regulation 146A in relation to the Fiords; and
- regulation 147 in relation to the internal waters of Fiordland; and
- regulation 147A in relation to the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds; and
- regulation 149 in relation to the Milford Sound (Piopiotahi) blue cod closure area.

- (3) Nothing in this regulation affects regulation 149, which prohibits a person from taking any blue cod from, or possessing any blue cod taken from within, the Milford Sound (Piopiotahi) blue cod closure area.
- (4) A person who contravenes subclause (1) by, on any day, taking or possessing more than, but not more than 3 times, a combined daily limit or daily limit—
- (a) commits an offence; and
 - (b) is liable on conviction to a fine not exceeding \$10,000.
- (5) A person who contravenes subclause (1) by, on any day, taking or possessing more than 3 times a combined daily limit or daily limit—
- (a) commits a serious non-commercial offence; and
 - (b) is liable on conviction to a fine not exceeding \$20,000.

146A Daily limits in the Fiords

- (1) A person must not, on any day,—
- (a) take from the Fiords more than the combined daily limit for finfish specified in an instrument made by the Minister (the **combined daily limit for finfish**); or
 - (b) possess more than the combined daily limit for finfish taken from within the Fiords; or

- (c) take from the Fiords more than the combined daily limit for shellfish specified in an instrument made by the Minister (the **combined daily limit for shellfish**); or
 - (d) possess more than the combined daily limit for shellfish taken from within the Fiords; or
 - (e) take from the Fiords more than the daily limit for a species of fish specified in an instrument made by the Minister (the **daily limit for a species of fish**); or
 - (f) possess more than the daily limit for a species of fish taken from within the Fiords.
- (2) When determining whether a person has contravened subclause (1), any of the following taken from within the internal waters of Fiordland are to be counted:
- (a) in the case of the combined daily limit for finfish, any finfish:
 - (b) in the case of the combined daily limit for shellfish, any shellfish:
 - (c) in the case of the daily limit for a species of fish, any fish of that species.

Guidance note

The internal waters of Fiordland are within the Fiords. See the guidance note under regulation 146(2).

- (3) Nothing in this regulation affects regulation 149, which prohibits a person from taking any blue cod from, or possessing any blue cod taken from within, the Milford Sound (Piopiotahi) blue cod closure area.
- (4) A person who contravenes subclause (1) by, on any day, taking or possessing more than, but not more than 3 times, a combined daily limit or daily limit—
- (a) commits an offence; and
 - (b) is liable on conviction to a fine not exceeding \$10,000.
- (5) A person who contravenes subclause (1) by, on any day, taking or possessing more than 3 times a combined daily limit or daily limit—
- (a) commits a serious non-commercial offence; and
 - (b) is liable on conviction to a fine not exceeding \$20,000.

147 Daily limits in internal waters of Fiordland

- (1) A person must not, on any day,—
- (a) take from the internal waters of Fiordland more than the daily limit for a species of fish specified in an instrument made by the Minister (the **daily limit for a species of fish**); or
 - (b) possess more than the daily limit for a species of fish taken from within the internal waters of Fiordland.

- (2) When determining whether a person has contravened subclause (1) in relation to blue cod, any blue cod taken from within any of the following are to be counted:
- (a) the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds:
 - (b) the Milford Sound (Piopiotahi) blue cod closure area.

Guidance note

The internal waters and the blue cod closure area that are referred to in subclause (2) are within the internal waters of Fiordland. See the guidance note under regulation 146(2).

- (3) Nothing in this regulation affects regulation 149, which prohibits a person from taking any blue cod from, or possessing any blue cod taken from within, the Milford Sound (Piopiotahi) blue cod closure area.
- (4) A person who contravenes subclause (1) by, on any day, taking or possessing more than, but not more than 3 times, that daily limit—
- (a) commits an offence; and
 - (b) is liable on conviction to a fine not exceeding \$10,000.
- (5) A person who contravenes subclause (1) by, on any day, taking or possessing more than 3 times that daily limit—
- (a) commits a serious non-commercial offence; and
 - (b) is liable on conviction to a fine not exceeding \$20,000.

5 Regulation 147A amended (Daily limit for blue cod in Doubtful (Patea), Thompson, and Bradshaw Sounds)

- (1) In regulation 147A(1)(a), replace “the Doubtful (Patea), Thompson, and Bradshaw Sounds (the **Sounds**)” with “Doubtful (Patea), Thompson, and Bradshaw Sounds”.
- (2) In regulations 147A(1)(b), replace “taken from the internal waters of the Sounds” with “taken from within the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds”.
- (3) Replace regulation 147A(2) to (4) with:
- (2) A person who contravenes subclause (1) by, on any day, taking or possessing more than, but not more than 3 times, the daily limit for blue cod—
- (a) commits an offence; and
 - (b) is liable on conviction to a fine not exceeding \$10,000.
- (3) A person who contravenes subclause (1) by, on any day, taking or possessing more than 3 times that daily limit—
- (a) commits a serious non-commercial offence; and
 - (b) is liable on conviction to a fine not exceeding \$20,000.

6 Regulation 155J amended (Daily limit for blue cod in South West (Sand Hill Point to south bank of Haast River) area)

Revoke regulation 155J(2).

7 Regulation 157 amended (Defences)

In regulation 157(1), replace “fish, shellfish, finfish,” with “fish,” in each place.

8 Regulation 160 amended (Limitation on defence in Fiordland (Te Moana o Atawhenua) marine area or internal waters of Fiordland)

(1) Replace the heading to regulation 160 with “**Application of defence to Fiordland (Te Moana o Atawhenua) marine area**”.

(2) Replace regulation 160(1) with:

Limitation on defence in regulation 157(1)

(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 specified in an instrument made by the Minister to the extent that those fish were taken from within the Fiordland (Te Moana o Atawhenua) marine area.

(1A) Nothing in subclause (1) prevents the defence set out in regulation 157(1) from applying in relation to any fish taken from within an area outside the Fiordland (Te Moana o Atawhenua) marine area.

Guidance note

The following waters are within the Fiordland (Te Moana o Atawhenua) marine area:

- the Fiords:
- the internal waters of Fiordland:
- the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds:
- the Milford Sound (Piopiotahi) blue cod closure area.

(3) Above regulation 160(2), insert:

Defence to possessing more than daily limit for rock lobster

(4) In regulation 160(2), replace “Despite subclause (1), it” with “It”.

(5) In regulation 160(2), replace “rock lobster in” with “rock lobster that were taken from”.

(6) Revoke regulation 160(4) and (5).

9 Amendments relating to fish and other terminology

(1) In the provision specified in Part 1 of the Schedule, replace “fish, finfish, or shellfish, means the maximum number” with “fish, aquatic life, or seaweed, means the maximum number or quantity”.

- (2) In the provision specified in Part 2 of the Schedule, replace “**fish, shellfish, and aquatic life**” with “**fish or aquatic life**”.
- (3) In the provision specified in Part 3 of the Schedule, replace “fish, shellfish, or aquatic life” with “fish or aquatic life” in each place.
- (4) In the provisions specified in Part 4 of the Schedule, replace “fish or shellfish” with “fish”.
- (5) In the provisions specified in Part 5 of the Schedule, replace “**daily limit for a species of fish or shellfish**” with “**daily limit for a species of fish**”.
- (6) In the provision specified in Part 6 of the Schedule, replace “more than daily limit for species of fish or shellfish” with “more than the daily limit for a species of fish”.
- (7) In the provision specified in Part 7 of the Schedule, replace “2 times daily limit for species of fish or shellfish” with “2 times the daily limit for a species of fish”.
- (8) In the provision specified in Part 8 of the Schedule, replace “more than the daily limit for species of fish or shellfish” with “more than the daily limit for a species of fish”.
- (9) In the provision specified in Part 9 of the Schedule, replace “2 times the daily limit for species of fish or shellfish” with “2 times the daily limit for a species of fish”.

10 Schedule 18 amended

In Schedule 18, insert in their appropriate alphabetical order:

Fiords means the following waters:

- (a) the waters of Milford Sound (Piopiotahi) and all those waters in the vicinity of Milford Sound (Piopiotahi) lying inside a straight line drawn from Saint Anne Point (at 44°34.38'S and 167°46.88'E) to Stripe Point (at 44°33.06'S and 167°49.353'E), as described in regulation 3(1)(a) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986:
- (b) the waters of the Fiords, as described in regulation 3A(1)(b) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, which are the following waters:
 - (i) all those waters of Bligh Sound (Hāwea) to the east of a line drawn from Tommy Point (at 44°45.219'S and 167°29.665'E) to Chasland Head (at 44°46.439'S and 167°28.183'E):
 - (ii) all those waters of George Sound (Te Houhou) to the east of a line drawn from a point on the coast (at 44°49.487'S and 167°21.332'E) to a point on the southern entrance to the sound (at 44°50.709'S and 167°19.613'E):

- (iii) all those waters of Caswell Sound (Taitetimu) to the east of a line drawn from a point on the coast (at 44°59.43'S and 167°08.15'E) to McKerr Point (at 45°00.292'S and 167°07.474'E):
- (iv) all those waters of Charles Sound (Taiporoporo) to the east of a line drawn from Islet Point (at 45°01.559'S and 167°05.529'E) to Hawes Head (at 45°03.10'S and 167°04.71'E):
- (v) all those waters of Nancy Sound (Hinenui) to the east of a line drawn from Burnett Point (at 45°06.16'S and 167°01.60'E) to Anxiety Point (at 45°06.375'S and 167°00.833'E):
- (vi) all those waters of Thompson Sound (Te Awa-o-Tū) and Bradshaw Sound (Kaikiekie) to the east of a line drawn from Shanks Head (at 45°08.325'S and 166°58.495'E) to Colonial Head on Secretary Island (at 45°08.714'S and 166°57.642'E):
- (vii) all those waters of Doubtful Sound (Patea) to the east of a line drawn from a point on the coast of Secretary Island (at 45°14.434'S and 166°52.127'E) to Febrero Point (at 45°16.622'S and 166°50.609'E):
- (viii) all those waters of Dagg Sound (Te Rā) to the east of a line drawn from Cast-Off Point (at 45°22.72'S and 166°46.32'E) to Towing Head (at 45°23.944'S and 166°45.393'E):
- (ix) all those waters of Breaksea Sound (Te Puaitaha) to the east of a line drawn from Oliver Point (at 45°34.49'S and 166°40.31'E) to a point on Resolution Island (at 45°36.209'S and 166°36.348'E):
- (x) all those waters of Dusky Sound (Tamatea) to the east of a line drawn from Five Fingers Point on Resolution Island (at 45°44.30'S and 166°27.04'E) to South Point (at 45°48.791'S and 166°27.305'E):
- (xi) all those waters of Preservation Inlet (Rakituma) and Chalky Inlet (Taiari) to the east of a line drawn from Cape Providence (at 46°00.45'S and 166°28.12'E) to Puysegur Point (at 46°09.38'S and 166°36.60'E)

internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds means the combined waters of Doubtful Sound (Patea) and Thompson and Bradshaw Sounds (as described in paragraphs (g) and (h) of the definition of the internal waters of Fiordland in this schedule)

11 Schedule 19 amended

In Schedule 19, Part 6, replace the items relating to regulations 146(3) and 147(3) with:

r 146(4)	Taking or possessing more than the combined daily limit for finfish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 2 times that combined daily limit	250
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r 146(4)	Taking or possessing more than the combined daily limit for shellfish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 2 times that combined daily limit	250
r 146(4)	Taking or possessing more than the daily limit for a species of fish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 2 times that daily limit	250
r 146(4)	Taking or possessing more than 2 times the combined daily limit for finfish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 3 times that combined daily limit	500
r 146(4)	Taking or possessing more than 2 times the combined daily limit for shellfish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 3 times that combined daily limit	500
r 146(4)	Taking or possessing more than 2 times the daily limit for a species of fish from the Fiordland (Te Moana o Atawhenua) marine area, but not more than 3 times that daily limit	500
r 146A(4)	Taking or possessing more than the combined daily limit for finfish from the Fiords, but not more than 2 times that combined daily limit	250
r 146A(4)	Taking or possessing more than the combined daily limit for shellfish from the Fiords, but not more than 2 times that combined daily limit	250
r 146A(4)	Taking or possessing more than the daily limit for a species of fish from the Fiords, but not more than 2 times that daily limit	250
r 146A(4)	Taking or possessing more than 2 times the combined daily limit for finfish from the Fiords, but not more than 3 times that combined daily limit	500
r 146A(4)	Taking or possessing more than 2 times the combined daily limit for shellfish from the Fiords, but not more than 3 times that combined daily limit	500
r 146A(4)	Taking or possessing more than 2 times the daily limit for a species of fish from the Fiords, but not more than 3 times that daily limit	500
r 147(4)	Taking or possessing more than the daily limit for a species of fish from the internal waters of Fiordland, but not more than 2 times that daily limit	250
r 147(4)	Taking or possessing more than 2 times the daily limit for a species of fish from the internal waters of Fiordland, but not more than 3 times that daily limit	500

Schedule
Amendments relating to fish and other terminology

r 9

Part 1

Replacing reference to “fish, finfish, or shellfish, means the maximum number” with “fish, aquatic life, or seaweed, means the maximum number or quantity”

Regulation 6(1), definition of **daily limit**

Part 2

Replacing reference to “fish, shellfish, and aquatic life” with “fish or aquatic life”

Heading to regulation 21

Part 3

Replacing reference to “fish, shellfish, or aquatic life” with “fish or aquatic life”

Regulation 21(4)

Part 4

Replacing references to “fish or shellfish” with “fish”

Regulation 123(1)(a), (b), and (c)

Regulation 123(3)

Regulation 123(4)(a)

Regulation 123A(1)(a), (b), and (c)

Regulation 123A(4)

Regulation 123A(5)(a)

Part 5

Replacing references to “daily limit for a species of fish or shellfish” with “daily limit for a species of fish”

Regulation 123(1)(a)

Regulation 123A(1)(a)

Part 6

Replacing reference to “more than daily limit for species of fish or shellfish” with “more than the daily limit for a species of fish”

Schedule 19, Part 5, first item relating to regulation 123(3)

Part 7

Replacing reference to “2 times daily limit for species of fish or shellfish” with “2 times the daily limit for a species of fish”

Schedule 19, Part 5, second item relating to regulation 123(3)

Part 8

Replacing reference to “more than the daily limit for species of fish or shellfish” with “more than the daily limit for a species of fish”

Schedule 19, Part 5, first item relating to regulation 123A(4)

Part 9

Replacing reference to “2 times the daily limit for species of fish or shellfish” with “2 times the daily limit for a species of fish”

Schedule 19, Part 5, second item relating to regulation 123A(4)

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, which come into force on 25 April 2024, amend the Fisheries (Amateur Fishing) Regulations 2013 (the **principal regulations**) mainly—

- to further regulate amateur fishing in the Fiordland (Te Moana o Atawhenua) marine area; and
- to clarify that the following areas are within the Fiordland (Te Moana o Atawhenua) marine area and the relationships between those areas:
 - a newly defined area called the Fiords:
 - the internal waters of Fiordland:
 - the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds:

- the Milford Sound (Piopiotahi) blue cod closure area.

Regulation 4 replaces regulations 146 and 147 of the principal regulations with *new regulations 146, 146A, and 147*.

New regulation 146 relates to the Fiordland (Te Moana o Atawhenua) marine area as a whole. In effect, the new regulation extends the substance of existing regulation 146 of the principal regulations by—

- enabling the Minister for Oceans and Fisheries (the **Minister**) to set a combined daily limit for finfish and a combined daily limit for shellfish that a person may take, or possess if taken, from the Fiordland (Te Moana o Atawhenua) marine area; and
- providing for related offences.

New regulation 146A regulates amateur fishing in a newly defined area called the Fiords (*see regulation 10*) by—

- enabling the Minister to set a daily limit for a species of fish that a person may take, or possess if taken, from the Fiords; and
- enabling the Minister to set a combined daily limit for finfish and a combined daily limit for shellfish that a person may take, or possess if taken, from that area; and
- providing for related offences.

New regulation 147, which relates to the internal waters of Fiordland, generally has the same effect as existing regulation 147 of the principal regulations. The new regulation clarifies meaning and ensures consistency with the language in *new regulations 146 and 146A*.

Regulation 5 makes technical amendments to regulation 147A of the principal regulations, which relates to the internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds. The amendments ensure consistency with the language in *new regulations 146, 146A, and 147* and are also a consequence of a new definition of those waters (*see regulation 10*).

Regulation 6 revokes a redundant provision.

Regulations 7 and 9 make technical amendments, mainly to ensure that fish terminology is consistent throughout the principal regulations and with the Fisheries Act 1996.

Regulation 8 amends regulation 160 of the principal regulations to clarify matters about defences to charges for possessing fish taken in the Fiordland (Te Moana o Atawhenua) marine area.

Regulation 10 inserts definitions of the Fiords and of internal waters of Doubtful (Patea), Thompson, and Bradshaw Sounds into Schedule 18 of the principal regulations.

Regulation 11 makes an amendment to Schedule 19 of the principal regulations that is consequent on *regulation 4*. In particular, the amendment lists the provisions in *new*

regulations 146, 146A, and 147 that, if contravened, are infringement offences, and sets out the related infringement fees.

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry for Primary Industries.