



**FISHERIES (SOUTH-EAST AREA AMATEUR FISHING)
AMENDMENT REGULATIONS 1999**

SIAN ELIAS, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 14th day of June 1999

Present:

HER EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983 and section 297 of the Fisheries Act 1996, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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|---------------------------|---------------------------------|
| 1. Title and commencement | 4. Maximum daily number of fish |
| 2. Application | 5. Offences |
| 3. Interpretation | 6. Revocation |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (South-East Area Amateur Fishing) Amendment Regulations

1999, and are part of the Fisheries (South-East Area Amateur Fishing) Regulations 1986* (“the principal regulations”).

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Application—The principal regulations are amended by revoking regulation 2, and substituting the following regulation:

“2. These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.”

3. Interpretation—Regulation 3 of the principal regulations is amended by inserting, before the definition of the term “barracouta”, the following definition:

“‘Act’ means the Fisheries Act 1983 or the Fisheries Act 1996.”

4. Maximum daily number of fish—The principal regulations are amended by revoking regulation 3A, and substituting the following regulation:

“3A. (1) The following table sets out the maximum daily number of particular species of fish that may be taken or possessed in accordance with subclauses (2) and (3):

Species	Maximum Daily Number
Barracouta	—
Blue cod	—
Blue moki	15
Bluenose	—
Blue shark	1
Bronze shark	1
Butterfish	15
Elephant fish	5
Flatfish	—
Grey mullet	—
Hammerhead shark	1
Kahawai	15
Lamprey	—
Ling	—
Mako shark	1
Marblefish	—
Marlin	1

*S.R. 1986/225

Amendment No. 1: S.R. 1989/354

Amendment No. 2: S.R. 1991/59

Amendment No. 3: S.R. 1992/271

Amendment No. 4: S.R. 1993/288

Amendment No. 5: S.R. 1994/186

Amendment No. 6: S.R. 1995/237

Amendment No. 7: (*Revoked by S.R. 1997/286*)

Amendment 1997: S.R. 1997/286

Amendment 1998: S.R. 1998/27

Amendment (No. 2) 1998: S.R. 1998/301

Species	Maximum Daily Number
Porbeagle shark	1
Quinnat salmon	2
Red cod	-
Red gurnard	-
Red moki	15
Rig	5
School shark	5
Seven gilled shark	1
Skate ray	5
Snapper	10
Spiky dog	15
Stargazer	-
Tarakihi	15
Thresher shark	1
Trevally	-
Trumpeter	15
Warehou	15
White pointer	1
Wrasse	-

“(2) No person may, on any day,—

“(a) Take from within the South-East Fishery Management Area any fish in excess of the maximum daily number specified in respect of that fish in the table set out in subclause (1); or

“(b) Possess more than the specified maximum daily number of any such fish in that area; or

“(c) Possess more than the specified maximum daily number of any such fish taken from within that area.

“(3) No person may, on any day,—

“(a) Take from within the South-East Fishery Management Area more than 30 fish to which the table set out in subclause (1) applies; or

“(b) Possess more than 30 of any such fish in that area; or

“(c) Possess more than 30 of any such fish taken from within that area.

“(4) No person may, on any day,—

“(a) Take from within the South-East Fishery Management Area a total quantity of hapuku/bass and kingfish exceeding 5; or

“(b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in that area; or

“(c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within that area.

“(5) No person may, on any day,—

“(a) Take from within the South-East Fishery Management Area more than 3 kingfish; or

“(b) Possess more than 3 kingfish in that area; or

“(c) Possess more than 3 kingfish taken from within that area.”

5. Offences—Regulation 8 of the principal regulations is amended by adding the following subclauses:

“(5) Where, on or after 1 June 2002, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person is liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years preceding the date of that conviction, that person has been convicted of any offence against any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.

“(6) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.”

6. Revocation—The Fisheries (South-East Area Amateur Fishing) Regulations 1986, Amendment No. 5 (S.R. 1994/186) are consequentially revoked.

MARIE SHROFF,
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 28 days after the date of their notification in the *Gazette*, amend the Fisheries (South-East Area Amateur Fishing) Regulations 1986.

Regulation 2 revokes and replaces regulation 2 of the principal regulations, which relates to the application of those regulations. The new provision ensures that the principal regulations apply to the possession of fish as well as the taking of fish.

Regulation 3 inserts into regulation 3 of the principal regulations a definition of the term “Act”. The term includes the Fisheries Act 1996 as well as the Fisheries Act 1983.

Regulation 4 substitutes a new regulation 3A in the principal regulations, which allows a person to take, on any day, a limited number of fish from an area, be in possession of that number of fish while in that area, or be in possession of that limited number of fish if they have been taken from that area. The principal reason for replacing regulation 3A is to make it consistent with the corresponding regulation in the other regional amateur fisheries regulations.

Regulation 5 amends regulation 8 of the principal regulations (which relates to offences) to provide that,—

- on or after 1 June 2002, a person who has reoffended within a period of 3 years is liable on conviction to a fine of \$10,000; and
- the penalty for repeat offenders applies only to offences carrying a maximum fine of \$5,000; and
- it is a defence if the excess fish were not taken in breach of the regulations.

Regulation 6 effects a consequential revocation.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 June 1999.

These regulations are administered in the Ministry of Fisheries.