



**THE FRESHWATER FISH FARMING REGULATIONS 1972,
AMENDMENT NO. 2**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of November 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Freshwater Fish Farming Regulations 1972, Amendment No. 2, and shall be read together with and deemed part of the Freshwater Fish Farming Regulations 1972* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by omitting from the definition of the term “disease” the word “means”, and substituting the word “includes”.

(2) The said regulation 2 (1) is hereby further amended by inserting, after the definition of the term “disease”, the following definition:

“‘Eating-house’ means any premises, including any restaurant, hotel, or other public eating place, in which food is sold for consumption on the premises or is cooked and sold for consumption off the premises.”.

(3) The said regulation 2 (1) is hereby further amended by revoking the definition of the term “fish”, and substituting the following definition:

“‘Fish’ means any of the following, whether alive or dead:

“(a) Salmon, being—

“(i) Atlantic salmon (*Salmo salar*):

“(ii) Quinnat salmon (*Oncorhynchus tshawytscha*):

“(iii) Sockeye salmon (*Oncorhynchus nerka*):

“(b) Eels (*Anguilla dieffenbachii* and *Anguilla australis*):

“(c) Freshwater crayfish or koura (*Paranephrops planifrons* and *Paranephrops zealandicus*)—

and includes any variety or subspecies of those fish; and also includes the young, fry, ova, or spawn, and any part of those fish; but does not include salmon that is preserved in cans and imported into New Zealand.”.

(4) The said regulation 2 (1) is hereby further amended by revoking the definition of the term “fish farm,” and substituting the following definitions:

“‘Fish farm’ means any establishment (including an ocean-ranching establishment), licensed under these regulations to capture, raise, feed, release, process, or deal in fish for sale; but does not include—

“(a) Any hatchery established and operated by an acclimatisation society or by the Ministry of Agriculture and Fisheries or by the Department of Internal Affairs; or

“(b) Any food premises; or

“(c) Any establishment licensed under these regulations solely to process or deal in fish for sale:

“‘Food premises’ means any establishment, including an eating-house, on or from which food is sold or disposed of directly and predominantly to the public; but does not include any establishment licensed under these regulations solely to process or deal in fish for sale.”.

(5) The said regulation 2 (1) is hereby further amended by inserting in the definition of the term “licence”, after the words “other licence”, the words “(except a provisional licence)”.

(6) The said regulation 2 (1) is hereby further amended by inserting, after the definition of the term “licence”, the following definition:

“‘Ocean-ranching’ means releasing juvenile salmon into waters to grow at sea and, on the return of the adult salmon to a specified place, harvesting them or producing ova from them.”.

(7) The said regulation 2 (1) is hereby further amended by inserting, after the definition of "sales record", the following definition:

"Sell" means to dispose of for money or other valuable consideration, or by barter; and includes offering and exposing for sale, or sending or delivering for sale; and 'sale' and 'sold' have corresponding meanings."

(8) The said regulation 2 (1) is hereby further amended by inserting, after the definition of "tag", the following definition:

"Transfer" means the transportation of fish obtained from a fish farm licensed under these regulations to or from a leased or licensed area within the meaning of the Marine Farming Act 1971, or to or from another fish farm, or to a point of release into any waters, or to or from any other place."

(9) Regulation 2 (2) of the principal regulations is hereby amended by adding the words "or food premises that comply with regulation 20 of these regulations".

(10) Regulation 2 of the principal regulations is hereby further amended by adding the following subclause:

"(3) The Minister may, from time to time by notice in the *Gazette*, amend the First Schedule or Second Schedule to these regulations by including or omitting the name of any disease or parasite."

3. Scope of regulations—(1) Regulation 3 (2) of the principal regulations (as added by regulation 2 of the Freshwater Fish Farming Regulations 1972, Amendment No. 1) is hereby revoked.

(2) The Freshwater Fish Farming Regulations 1972, Amendment No. 1 is hereby consequentially revoked.

4. Certain food premises not required to be licensed—Regulation 4 of the principal regulations is hereby amended by adding the following subclause:

"(3) Where fish are disposed of to or from any food premises which comply with regulation 20 of these regulations, those premises shall not be required to be licensed pursuant to this regulation."

5. Applications for licences—Regulation 6 (3) of the principal regulations is hereby amended by adding the following paragraph:

"(e) In relation to ocean-ranching, the place from which salmon are to be released and the place from which salmon shall be recaptured."

6. Director-General may issue provisional licence—The principal regulations are hereby amended by inserting, after regulation 6, the following regulation:

"6A. (1) The Director-General may, subject to such terms and conditions as he may impose, issue a provisional licence in respect of any application for a licence under these regulations.

"(2) A provisional licence may at any time be revoked by the Director-General or the Minister and, in any case, shall cease to have effect either—

"(a) When the application for a licence has been determined by the Minister; or

“(b) Upon the expiry of 6 months from the date of issue or such extended period as the Director-General or the Minister may upon application agree—
whichever is the sooner:

Provided that if the applicant has fulfilled his obligations under these regulations in respect of his application within 6 months or any extended period from the date of issue of the provisional licence to him, the provisional licence shall, unless otherwise revoked under this subclause, continue in force until the application is determined.

“(3) Forthwith upon issuing a provisional licence under this regulation, the Director-General shall send a copy of it to any acclimatisation society or societies within whose district or districts the waters specified in the provisional licence are situated and to the Regional Water Board (within the meaning of section 2 (1) of the Water and Soil Conservation Act 1967) having jurisdiction over those waters.”

7. Restriction on issue of salmon fish-farm licence—Regulation 7 of the principal regulations is hereby amended by adding the following subclause:

“(7) Notwithstanding the foregoing provisions of this regulation, the Minister shall not grant more than 1 salmon fish-farm licence for any 1 catchment unless he is satisfied that the proper management of the salmon fishery in that catchment would not be adversely affected by the granting of an additional licence or licences, and for this purpose shall consider any submission on the matter made—

“(a) By an acclimatisation society or the Secretary of Internal Affairs in any case where that society or the Secretary could make submissions under regulation 5 (2) of these regulations if the application for the licence were an application for a water right:

“(b) By the Fishing Industry Board:

“(c) By the licensee of any other fish farm in the same catchment.”

8. Duration of licence—Regulation 10 of the principal regulations is hereby amended by adding the following subclause:

“(3) The Minister may, if he is satisfied that the licensee has not commenced to use the licence for the purposes for which it was granted within 12 months after the date on which it was granted, give the licensee written notice to the effect that, if the licensee has not commenced to use the licence within 2 months after the date of the notice, the licence will be cancelled by the Minister upon the expiry of that period.”

9. Only fish raised or lawfully transferred to be on fish farm—Regulation 17 of the principal regulations is hereby amended by inserting, after subclause (3), the following subclause:

“(3A) Subject to regulations 17A and 31 of these regulations and notwithstanding the foregoing provisions of this regulation, any person may, with the written authority of the Director-General and in his discretion after consultations with and having regard to the functions of acclimatisation societies, take and transfer fish (including salmon ova) from any waters to a fish farm.”

10. New regulations inserted—The principal regulations are hereby further amended by inserting, after regulation 17, the following new regulations:

“17A. **Transfer and release of salmon by licensee**—(1) Subject to regulation 31 of these regulations, the licensee of a salmon fish farm may release or transfer salmon in accordance with the terms and conditions of his licence, or with the written authority of the Director-General and in his discretion after consultations with and having regard to the functions of acclimatisation societies.

“(2) No salmon shall be released or transferred pursuant to the written authority of the Director-General later than 28 days after the date on which the authority was given:

Provided that any such authority may be revoked by the Director-General at any time.

“(3) No marked or tagged salmon shall be released or transferred unless the method of marking or tagging, the mark or the tag, and the number of salmon to be so released or transferred have been approved by the Director-General.

“17B. **Capture of salmon**—It shall be lawful for any licensee to capture salmon in the waters specified in his licence from such places and at such times as may be so specified.

“17C. **Fish ova**—(1) Ova taken from fish in a fish farm surplus to the needs of that fish farm shall not be destroyed, but shall be offered for sale or be otherwise disposed of pursuant to the directions of the Director-General given generally or in respect of a particular fish farm:

Provided that a licensee shall be neither required nor directed to dispose of ova to another fish farm.

“(2) Subject to subclause (1) of this regulation, no person shall obtain, supply, possess, or dispose of salmon ova without the written authority of the Director-General.

“(3) Subclause (2) of this regulation shall not apply to any acclimatisation society.”

11. Canning of fish and sale in whole state—Regulations 18 and 19 of the principal regulations are hereby revoked.

12. Sale and processing of salmon—The principal regulations are hereby further amended by revoking regulation 20, and substituting the following regulation:

“20. (1) No person shall possess, process, cook, serve, sell, or otherwise dispose of salmon in or from any food premises unless—

“(a) The food premises are authorised by the Director-General to be premises from which those things can be done:

“(b) The salmon has been obtained from a fish farm or a licensed processor or dealer or authorised food premises.

“(2) No fish farm or licensed dealer or processor shall sell or otherwise dispose of salmon except to or through the agency of any other fish farm, licensed dealer or processor, or authorised food premises.

“(3) Subject to this regulation, salmon may be processed in any manner and sold and served in any form, if, in any particular case, the source of the salmon can be ascertained or verified by a fishery officer appointed under Part I of the Fisheries Act 1908 as coming from a fish farm, licensed dealer or processor, or authorised food premises.

“(4) For the purposes of subclause (1) (a) of this regulation, all food premises shall be deemed to be authorised by the Director-General without a specific application having to be made to him unless he is satisfied—

“(a) That the food premises do not appear to be bona fide; or

“(b) The food premises, or the person in charge of them, has been convicted of an offence against these regulations—
in which case the Director-General may refuse to authorise the food premises in terms of subclause (1) of this regulation.”

13. Records to be maintained—Regulation 24 of the principal regulations is hereby amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) Every person carrying on the business of processing or dealing in fish from any fish farm shall maintain adequate records of—

“(a) The number and weight of fish received each day at the premises:

“(b) The person from whom the fish were received:

“(c) The number and weight of the fish disposed of each day at or from the premises (not being food premises):

“(d) The processor or dealer to which any fish were disposed.

“(2) Every person carrying on business as aforesaid shall at any time during his ordinary hours of business, on being requested to do so by any officer, or any fishery officer appointed under Part I of the Fisheries Act 1908, produce for inspection by any such officer all or any of the records required to be maintained under subclause (1) of this regulation.”

14. Cancellation of licence on conviction—Regulation 37 (1) of the principal regulations is hereby amended by omitting the words “regulation 19”, and substituting the words “regulation 20 (2)”,.

15. New Schedules substituted—The principal regulations are hereby further amended by revoking the First and Second Schedules, and substituting the First and Second Schedules set out in the Schedule to these regulations.

SCHEDULE

Reg. 15

NEW FIRST AND SECOND SCHEDULES TO PRINCIPAL REGULATIONS

“FIRST SCHEDULE

Regs. 2 (1), (3), 26, 27 (2)

The viral diseases—

- Infectious haematopoietic necrosis (IHN)
- Infectious pancreatic necrosis (IPN)
- Spring viremia of carp (SVC)
- Viral haemorrhagic septicaemia (VHS)

The bacterial diseases—

- Enteric redmouth disease (ERM)
- Kidney disease
- Nocardial disease
- Piscine tuberculosis

The sporozoan parasite—

- Myxosoma cerebralis*

The fungus infection—

- Ichthyophonus*

“SECOND SCHEDULE

Regs. 2 (1), (3), 26, 27 (2)

Aeromonas and *Pseudomonas* septicaemia

Carp erythrodermatitis (CE)

Costia

Myxobacterial disease—Columnaris, fin rot, and gill disease

Vibriosis”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

The main effect of these regulations is to allow the commercial development of the New Zealand salmon fishery, and to remove all references to trout or trout farming from the principal regulations.

Regulation 2 inserts new definitions in the principal regulations, amends the definition of “fish farm”, and allows the Minister to amend the Schedules to the regulations (which relate to diseases and parasites of fish) by *Gazette* notice.

Regulation 3 revokes references to trout farming.

Regulation 4 provides that food premises (a defined term) do not require a licence under the regulations. See also reg. 12.

Regulation 5 requires an applicant for ocean-ranching of salmon to specify certain details on his application.

Regulation 6 allows the Director-General of Agriculture and Fisheries to issue a provisional licence to any applicant for a licence until such time as the Minister of Fisheries determines the application.

Regulation 7 prohibits the granting of more than 1 salmon fish-farm licence in any watershed unless the Minister is satisfied that the management of the salmon fishery in that watershed would not be adversely affected.

Regulation 8 allows the Minister to cancel any licence if it has not been used within 12 months after its granting.

Regulation 9 allows any person, at the discretion of the Director-General, to take and transfer salmon and salmon ova from any waters to a salmon fish farm.

Regulation 10 relates to the releasing and transferring of salmon by the licensee of a salmon fish farm, the capture of salmon by a licensee, and to the disposal of surplus fish ova.

Regulation 11 revokes provisions relating to canning fish, and to the sale of fish in a whole state.

Regulation 12 provides that no one shall possess, process, cook, serve, or sell salmon in any food premises unless the salmon has been obtained from a fish farm or a licensed dealer or processor and the food premises are authorised by the Director-General. The regulation also prohibits a fish farm or a licensed dealer or processor disposing of salmon otherwise than to or through authorised food premises. Except in limited circumstances, all food premises are deemed to be authorised without specific application.

Regulation 13 provides for a fish farm or a licensed dealer or processor to keep records.

Regulation 14 provides that upon conviction for an offence against the new regulation 20 (2) (as set out in regulation 12 of these regulations), the licence of any licensed dealer or processor shall be deemed to be cancelled.

Regulation 15 substitutes new Schedules in the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 December 1982.

These regulations are administered in the Ministry of Agriculture and Fisheries.