



# Summary of proposed amendments to fisheries regulations

Fisheries New Zealand has compiled a package of 33 proposed operational changes to various commercial, amateur, and customary fisheries regulations. Each proposal has been assessed against a range of objectives, including improving compliance outcomes, providing flexibility to commercial fishers while maintaining sustainability and reducing environmental impacts, reducing the risk to protected species, and giving effect to community aspirations to manage amateur fisheries.

This summary document briefly describes each proposal and the likely impacts on tangata whenua, the relevant fishers, and other commercial entities as appropriate.

Please refer to the [consultation document](#) for the full details of each proposal.

A small number of proposals in the package would result in additional obligations or increased restrictions on fishers and other commercial entities. Collectively, however, the additional obligations or restrictions resulting from the proposed amendments are not considered significant. Some proposals are of an enabling nature and would provide for activities that are currently prohibited.

## TABLE OF CONTENTS

<b>PROPOSALS THAT APPLY PRIMARILY TO COMMERCIAL FISHERS AND LICENSED FISH RECEIVERS .....</b>	<b>2</b>
<b>PROPOSALS SPECIFIC TO ROCK LOBSTER FISHERIES .....</b>	<b>3</b>
<b>PROPOSALS THAT RELATE TO COMMERCIAL FISHING METHODS OR GEAR .....</b>	<b>3</b>
<b>PROPOSALS THAT APPLY TO CUSTOMARY FISHING REGULATIONS .....</b>	<b>4</b>
<b>PROPOSALS RELATING TO AMATEUR DAILY LIMITS .....</b>	<b>5</b>
<b>ADMINISTRATIVE PROPOSALS .....</b>	<b>5</b>

## Proposals that apply primarily to commercial fishers and licensed fish receivers

Proposal	Initial assessment of impacts on commercial fishers, licensed fish receivers (LFRs), and other entities
<p><b>1. Review specific aspects of recordkeeping regulations</b></p> <p>One group of proposals is to align recordkeeping obligations for commercial fishers and licensed fish receivers with corresponding obligations under the reporting regulations. A further proposal is to create infringement offences for breaches of recordkeeping regulations. These would apply to all persons required to keep records, including dealers in fish and registered fish farmers. Refer page 11 of the consultation document.</p>	<p>Although this group of proposals would create some additional obligations for commercial fishers and LFRs, most of what is proposed is implicitly already required under the reporting regulations.</p> <p>The ability to issue infringement notices would not create any additional obligations for any person required to keep records.</p>
<p><b>2. Amendment to definition of fishing trip</b></p> <p>The proposal is to amend the definition of fishing trip to better reflect operational practices. Refer page 18 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers.</p>
<p><b>3. Amendment to obligations around completing landing reports</b></p> <p>The proposal is to tighten the timeframe around when commercial fishers are required to complete landing reports required under the reporting regulations. Refer page 21 of the consultation document.</p>	<p>The proposal may impact commercial fishers by shortening the timeframe by which the first version of landing reports must be completed and provided at the conclusion of a trip.</p>
<p><b>4. Amendments to licensed fish receiver regulations</b></p> <p>The key proposals are to revoke the requirement for the chief executive to consult with holders of, or applicants for, a fish receiver's licence prior to imposing or changing conditions and to create an offence provision for failure to comply with conditions imposed on an LFR licence. An additional proposal is to amend the existing definition of LFR premises. Refer page 22 of the consultation document</p>	<p>The proposal would not result in any additional obligations for LFRs.</p>
<p><b>5. Creation of infringement offence for failure to respond to directive issued under reporting regulations</b></p> <p>The proposal would enable infringement notices to be issued to commercial fishing permit holders if they failed to respond to directives issued by FishServe to amend reports provided pursuant to the reporting regulations. Refer page 27 of the consultation document.</p>	<p>The proposal would not create additional obligations for commercial fishing permit holders.</p>
<p><b>6. Creation of infringement offences relating to requirements to use seabird mitigation measures</b></p> <p>The proposal would enable infringement notices to be issued to commercial fishing permit holders for breaches of requirements relating to use of seabird mitigation devices. Refer page 29 of the consultation document.</p>	<p>The proposal would not create any additional obligations for commercial fishing permit holders around requirements to use seabird mitigation measures.</p>
<p><b>7. Create offence and penalty for a regulation relating to the Otago commercial rock lobster fishery</b></p> <p>This is a technical proposal to create an offence and corresponding penalty for an existing regulation that applies to the Otago commercial rock lobster fishery. Refer page 32 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers or LFRs involved in the Otago commercial rock lobster fishery</p>

## Proposals specific to rock lobster fisheries

Proposal	Initial assessment of impacts of commercial and amateur rock lobster fishers
<p><b>8. Amendment to method of measurement for packhorse rock lobster</b></p> <p>The proposal is that the minimum legal size requirements for packhorse rock lobster change from a tail <u>length</u> measure to a tail <u>width</u> measure, consistent with that for spiny rock lobster. Refer page 34 of the consultation document.</p>	<p>The proposal would change how commercial and amateur fishers measure packhorse rock lobster for compliance with minimum legal size requirements. It would place obligations on MPI to ensure all fishers are aware of the changes, and to provide suitable measuring devices that fishers can use.</p>
<p><b>9. Amend definition of some categories of prohibited rock lobster</b></p> <p>The proposal is that large rock lobster (for example spiny rock lobster that are &gt;600 g in weight or have a carapace length greater than 110 mm) are excluded from provisions relating to taking or possessing rock lobster with damage to specific parts of their exoskeleton. The intent of the proposal is that these regulations become more focused on smaller rock lobsters, for which minimum legal size requirements are an active compliance consideration. Refer page 36 of the consultation document.</p>	<p>This is an enabling proposal that would not create any additional obligations for commercial or amateur rock lobster fishers other than having a suitable method of determining whether a lobster is of a size that would exempt it from being subject to minimum legal size requirements.</p>

## Proposals that relate to commercial fishing methods or gear

Proposal	Initial assessment of impacts on commercial fishers
<p><b>10. Enable commercial fishers to use underwater breathing apparatus to take scallops</b></p> <p>The proposal is that scallops are added to the limited list of species that commercial fishers are permitted to take using underwater breathing apparatus. Refer page 39 of the consultation document.</p>	<p>This is an enabling proposal that would not create any additional obligations for commercial fishers.</p>
<p><b>11. Enable spearfishing by commercial fishers</b></p> <p>The proposal is that the prohibition on spearfishing by commercial fishers is revoked. Refer page 41 of the consultation document.</p>	<p>This is an enabling proposal that would not create any additional obligations for commercial fishers.</p>
<p><b>12. Revoke prohibition on use of net-sonde cables</b></p> <p>Net-sonde cables are used to carry information from equipment mounted on trawl nets at depth directly to the vessel. The proposal is that the current prohibition, which was implemented as a seabird protection measure in 1992, is revoked. Refer page 42 of the consultation document.</p>	<p>This is an enabling proposal that would only create additional obligations for commercial fishers if they chose to use net-sonde cables. The obligations would</p>

Proposal	Initial assessment of impacts on commercial fishers
<p><b>13. Revoke requirement for commercial set net fishers to attach additional surface floats at 500 m intervals</b></p> <p>The proposal is to revoke the requirement for set net fishers to attach additional surface floats at 500 m intervals as the existing requirement is viewed as redundant. The key requirement, to attach surface floats at either end of set nets, would remain. Refer page 45 of the consultation document.</p>	<p>relate to the measures fishers would be required to take to mitigate the risk the cables posed to seabirds.</p>
<p><b>14. Define terms used in trawl net and Danish seine net restrictions</b></p> <p>The proposal is to create definitions for some of the terms used in trawl net and Danish seine net restrictions (liners, sleeves, flapper, and method of strengthening). Rationale for creating definitions is that it may aid development of innovative gear technology. Refer page 47 of the consultation document.</p>	<p>This is a technical proposal that would not create any additional obligations for commercial Danish seine fishers or fishers using trawl methods.</p>
<p><b>15. Prohibit use of ‘J’ hooks by surface longline fishers to reduce turtle captures</b></p> <p>The proposal to prohibit the use of ‘J’ hooks in the surface longline fishery reflects international best practice for turtle mitigation. Refer page 48 of the consultation document.</p>	<p>The proposal only affects surface longline fishers but is expected to have little material impact as Fisheries New Zealand understands this type of hook is not commonly used by those fishers.</p>

## Proposals that apply to customary fishing regulations

Proposal	Initial assessment of impacts
<p><b>16. Amendments to authorisation provisions in Te Arawa lakes regulations</b></p> <p>Minor amendments to the authorisation for customary food gathering (puka whakamana) provisions in the Te Arawa Lakes regulations have been requested by Te Arawa iwi. Refer page 49 of the consultation document.</p>	<p>The proposal would enhance the ability of Te Arawa iwi to manage the non-commercial fisheries within the Te Arawa lakes area.</p>
<p><b>17. Create infringement offences for breaches of bylaws made under customary fisheries regulations and to provide for those bylaws to incorporate <i>possession</i> as well as <i>taking</i> of fish</b></p> <p>The first proposal is to enable infringement notices to be issued by MPI for minor breaches of bylaws such as mātaimai reserve bylaws. This is viewed as more appropriate than prosecution. The second proposal is to amend customary fisheries regulations such that bylaws made under those regulations can incorporate <i>possession</i> as well as <i>taking</i> of fish. Refer page 50 of the consultation document.</p>	<p>Both proposals would not create any additional obligations for fishers or affect what can be taken in areas such as mātaimai reserves.</p>

## Proposals relating to amateur daily limits

Proposal	Initial assessment of impacts on amateur fishers
<p><b>18. Amend amateur daily limit provisions for blue cod in Fiordland (Te Moana o Atawhenua) Marine Area</b></p> <p>The proposal is to remove the ability for amateur fishers to accumulate daily limits of blue cod in the Fiordland (Te Moana o Atawhenua) Marine Area. The existing amateur daily limit for blue cod in the area would remain unchanged. Refer page 54 of the consultation document.</p>	<p>The primary impact is that amateur fishers would be restricted to a single daily limit of 10 blue cod while fishing in the Fiordland (Te Moana o Atawhenua) Marine Area.</p>
<p><b>19. Reduce amateur daily limit for quinnat salmon in marine waters from two to one</b></p> <p>This proposal would align the amateur daily limit for quinnat salmon taken in marine waters with rules that apply to waters under Fish and Game jurisdiction on the east coast of the South Island. Refer page 55 of the consultation document.</p>	<p>The primary impact is that amateur fishers would only be able to take one quinnat salmon if they're fishing in waters outside Fish and Game jurisdiction. It would not affect fishers' ability to still fish for this species.</p>
<p><b>20. Amendments to Chatham Islands amateur daily limit provisions</b></p> <p>Based on a request from Chatham Island stakeholders, Fisheries New Zealand proposes to reduce a number of the amateur daily limits for finfish and shellfish that apply to Chatham Island waters. Fisheries New Zealand also proposes to remove the ability to accumulate amateur daily limits for fish and shellfish taken in Chatham Island waters. Refer page 57 of the consultation document.</p>	<p>The amendments to amateur daily limits proposed by Chatham Island stakeholders would see a reduction in the daily limits for several finfish and shellfish species. A consequence of removing the ability to accumulate daily limits is that the amount of fish that visitors would be able to take off the Islands would be limited.</p>

## Administrative proposals

Proposal	Initial assessment of impacts on fishers
<p><b>21. Clarify surface float requirements for commercial fishers using pots attached to a backbone</b></p> <p>The proposal is to clarify that surface floats are only required at either end of a backbone to which multiple pots are attached. Refer page 59 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers.</p>
<p><b>22. Clarify minimum set net mesh size requirements for commercial fishers</b></p> <p>The proposal is to clarify that regulated minimum set net mesh sizes only apply to the species the commercial fisher is targeting. Refer page 60 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers.</p>
<p><b>23. Clarify requirements for pots used by commercial fishers to take blue cod or octopus</b></p> <p>The proposal is to clarify that the design requirements for blue cod or octopus pots only apply when those species are being targeted. Refer page 61 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers.</p>
<p><b>24. Amendment to labelling requirements for amateur rock lobster fishers in the Canterbury/top of the South Island fishery</b></p>	<p>The proposal would only affect amateur fishers who, within this area, a) take rock lobster without using a vessel, and b) wish to accumulate more than one daily bag limit of rock lobster. The requirement for these</p>

Proposal	Initial assessment of impacts on fishers
<p>The proposal is to clarify that the ‘bag and tag’ labelling requirements apply to all amateur fishers, including those who take rock lobster without using a vessel. Refer page 62 of the consultation document.</p>	<p>fishers to ‘bag and tag’ rock lobster is not considered onerous.</p>
<p><b>25. Amendment to description in commercial regulations of how ‘width of arm of the sea’ is to be calculated</b></p> <p>The proposal is that the existing description in the commercial fishing regulations of how the ‘width of an arm of the sea’ should be calculated is replaced with the equivalent wording in the amateur regulations, which is considered clearer. Refer page 63 of the consultation document.</p>	<p>Technical amendment that would not have any material impact on commercial fishers who use set nets.</p>
<p><b>26. Revoke redundant regulation relating to approval of trawl nets (in the context of innovative trawl technology)</b></p> <p>The proposal is to revoke one of the two regulations that relate to compliance with approval to use different types of trawl nets due to it being unnecessary and difficult to administer. Refer page 64 of the consultation document.</p>	<p>Technical amendment that would not change commercial fishers’ obligations in relation to the use of innovative trawl technology.</p>
<p><b>27. Amend aspects of shark fin management measures (‘fins artificially attached’ approach)</b></p> <p>The proposal applies to one component of the shark fin management regime; the ability to specify which shark species are subject to the ‘fins artificially attached’ approach. The proposal is to enable changes to the species subject to this approach to be implemented via circular rather than regulation. Refer page 65 of the consultation document.</p>	<p>Technical amendment that would not have any impact on commercial fishers in relation to the existing shark fin management framework.</p>
<p><b>28. Revoke South Tasman Rise orange roughy regulations (area outside EEZ)</b></p> <p>The proposal is to revoke these regulations as they are redundant. Orange roughy on the South Tasman Rise is now managed through the South Pacific Regional Fisheries Management Organisation. Refer page 66 of the consultation document.</p>	<p>Technical amendment that would not have any impact on commercial fishers operating on the High Seas; the regulations have been superseded by other management arrangements.</p>
<p><b>29. Clarify that amateur fishers may bleed blue cod</b></p> <p>The proposal is to clarify that blue cod may be bled and that this does not contravene the regulations requiring blue cod to be landed in a whole or gutted state. Refer page 67 of the consultation document.</p>	<p>This is an enabling proposal that would not change amateur fishers’ overall obligations around taking and possessing blue cod.</p>
<p><b>30. Amendments to defence on possession of blue cod by amateur fishers (taking blue cod outside the Territorial Sea)</b></p> <p>The proposal applies to amateur fishers who fish for blue cod outside the Territorial Sea off parts of the east coast of the South Island. It would enable those fishers to bring a daily bag limit of blue cod back through areas where more restrictive bag limits apply i.e. possess more blue cod than the bag limit of the area they transit back through. Refer page 67 of the consultation document.</p>	<p>This is an enabling proposal that would not materially change amateur fishers’ overall obligations around taking and possessing blue cod.</p>

Proposal	Initial assessment of impacts on fishers
<p><b>31. Clarify aspects of use of longlines by amateur fishers</b></p> <p>This proposal clarifies two aspects of the provisions relating to use of ‘longlines’ by amateur fishers. First, it clarifies that the 25 hook limit applies to all fishers, not just those on board a vessel. Second, it clarifies that the offence of possessing more than one longline applies regardless of whether the longlines are in the water or not. Fishers using rod and reel, or handlines are not affected. Refer page 69 of the consultation document.</p>	<p>The impact of the proposal relating to the 25 hook limit for land-based amateur fishers would be low. Until 2013, the 25 hook limit applied to all fishers, and the apparent exemption for land-based fishers from compliance with this regulation was not intentional.</p> <hr/> <p>The proposal relating to possessing more than one longline would not materially change amateur fishers’ obligations relating to the use of longlines.</p>
<p><b>32. Clarify technical aspects of regulations that apply to the Otago commercial rock lobster fishery</b></p> <p>Minor amendments are proposed to the administrative regulations that apply to the Otago commercial rock lobster fishery. This includes clarifying that the reference to licensed fish receivers is amended to refer to the location of a licensed fish receiver’s premises. Refer page 70 of the consultation document.</p>	<p>The proposed amendments would not alter commercial fishers’ or LFR’s obligations relating to the Otago commercial rock lobster fishery.</p>
<p><b>33. Ensure references to ‘fishery management areas’ and ‘quota management areas’ in commercial fishing regulations are correct</b></p> <p>The proposal is simply to ensure that the correct terminology is used throughout commercial fishing regulations. Refer page 72 of the consultation document.</p>	<p>Technical change that would not alter fishers’ obligations under any of the commercial fishing regulations.</p>