

Freshwater Fish Farming Amendment Regulations 2000

PURSUANT to section 89 of the Fisheries Act 1983 and section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

- (1) These regulations are the Freshwater Fish Farming Amendment Regulations 2000.
- (2) In these regulations, the Freshwater Fish Farming Regulations 1983¹ are called “the principal regulations”.

2 Commencement

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

¹ SR 1983/278

3 Interpretation

Regulation 2 of the principal regulations is amended by omitting from the definition of the term licence the words “(except a provisional licence)”.

4 Fish farms to be licensed

- (1) Regulation 4 of the principal regulations is amended by revoking subclause (4) (which relates to a prohibition on the grant of fish-farm licences in respect of marron).
- (2) Regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 3 (SR 1991/205) is consequentially revoked.

5 Regulation 7 revoked

Regulation 7 of the principal regulations (which relates to the issue of provisional licences by the chief executive) is revoked.

6 Duration of licence

Regulation 10 of the principal regulations is amended by adding the following subclauses:

- “(4) If the licensee does not intend to continue to use the licence, the licensee must give written notice to the Minister and request the licence be cancelled.
- “(5) If the Minister is satisfied that no fish remain on the fish farm, and the licensee has returned his or her original licence, the Minister may cancel the licence.”

7 Only fish raised or lawfully transferred to be on fish farm

- (1) Regulation 17 of the principal regulations is amended by revoking subclauses (2) and (3), and substituting the following subclauses:
 - “(2) Subject to regulation 31, with the approval of the chief executive, fish may be transferred to the fish farm from a hatchery.
 - “(3) Subject to regulation 31, any fish may, for experimental purposes under the direct control of the chief executive, be transferred to the farm or released alive from the farm otherwise than in accordance with subclause (1).”

- (2) Regulation 17 of the principal regulations is amended by omitting from subclause (4) the words “given after consultation with and having regard to the functions of Fish and Game Councils”.

8 Transfer and release of salmon by licensee

Regulation 18 of the principal regulations is amended by revoking subclause (2), and substituting the following subclause:

- “(2) The chief executive may revoke his or her written authority at any time.”

9 Regulation 21A revoked

- (1) Regulation 21A of the principal regulations (which relates to the disposal and possession of live marron from Koru Aquaculture Limited’s marron farm) is revoked.
- (2) Regulation 3 of the Freshwater Fish Farming Regulations 1983, Amendment No 3 (SR 1991/205) is consequentially revoked.

10 Licensee to keep records and make returns

Regulation 24 of the principal regulations is amended by revoking subclauses (2) and (3), and substituting the following subclauses:

- “(2) Unless stated otherwise as a condition of a fish-farm licence, the licensee must, if requested by the chief executive, provide within 7 days a sales record showing the fish sold or otherwise disposed of by the licensee for the period determined by the chief executive.
- “(3) Unless stated otherwise as a condition of a fish-farm licence, the licensee must, if requested by the chief executive, provide within 7 days a production record for the period determined by the chief executive.”

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 on the 28th day after the date of their notification in the *Gazette*, amend the Freshwater Fish Farming Regulations 1983 as follows:

- *regulation 3* omits the reference to provisional licences from the definition of licence:
- *regulations 4 and 9* revoke regulations 4(4) and 21A of the principal regulations, which relate to the farming of marron:
- *regulation 5* revokes regulation 7 of the principal regulations, which relates to the issue of provisional licences by the chief executive:
- *regulation 6* adds subclauses (4) and (5) to regulation 10 of the principal regulations to allow a licensee to request the Minister to cancel his or her fish-farm licence:
- *regulation 7* amends subclauses (2), (3), and (4) of regulation 17 of the principal regulations by omitting the reference to, and the requirement to consult with, the fish and game councils:
- *regulation 8* substitutes new *regulation 18(2)* to remove the 28-day time limit on the release or transfer of salmon with the written authority of the chief executive:
- *regulation 10* substitutes subclauses (2) and (3) of regulation 24 of the principal regulations and the new provisions require the licensee to make returns at the discretion of the chief executive.

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