



# **Fisheries (Infringement Offences) Amendment Regulations (No 3) 2009**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 24th day of August 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1) 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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## Regulations

- 1 Title**  
These regulations are the Fisheries (Infringement Offences) Amendment Regulations (No 3) 2009.
- 2 Commencement**  
These regulations come into force on 1 October 2009.
- 3 Principal regulations amended**  
These regulations amend the Fisheries (Infringement Offences) Regulations 2001.
- 4 Schedule 1 amended**
  - (1) The item relating to the Fisheries (Amateur Fishing) Regulations 1986 in Schedule 1 is amended by inserting the items set out in Schedule 1 of these regulations in their appropriate numerical order.
  - (2) The item relating to regulation 6C of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 in Schedule 1 is amended by omitting “6C(1)(iii) and (iv)” and substituting “6C(1)(l)(iii)”.

- (3) The item relating to regulation 8 of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 in Schedule 1 is amended by omitting “oysters” and substituting “scallops”.
- (4) The item relating to the Fisheries (Central Area Amateur Fishing) Regulations 1986 in Schedule 1 is amended by inserting the items set out in Schedule 2 of these regulations in their appropriate numerical order.
- (5) The item relating to the Fisheries (South-East Area Amateur Fishing) Regulations 1986 in Schedule 1 is amended by inserting the items set out in Schedule 3 of these regulations in their appropriate numerical order.
- (6) The item relating to regulation 4AAB(3) of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 in Schedule 1 is amended by inserting “rock lobster holding pots,” after “rock lobster pots,”.
- (7) The item relating to the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 in Schedule 1 is amended by inserting the item set out in Schedule 4 of these regulations in its appropriate numerical order.
- (8) The item relating to the Fisheries (Reporting) Regulations 2001 in Schedule 1 is amended by inserting the items set out in Schedule 5 of these regulations in their appropriate numerical order.

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### Schedule 1

r 4(1)

#### New items relating to Fisheries (Amateur Fishing) Regulations 1986 inserted into Schedule 1

Provision	Description of offence	Fee (\$)
r 19B(3)	Possessing more than the limit of paua specified in regulation 19B(2), but not more than 2 times that limit	250

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 19B(3)	Possessing more than 2 times the limit of paua specified in regulation 19B(2), but not more than 3 times that limit	500
r 25BA	Using or possessing specified loops in a manner contrary to regulation 25BA	250

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**Schedule 2**

r 4(4)

**New items relating to Fisheries (Central Area Amateur Fishing) Regulations 1986 inserted into Schedule 1**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 4C	Taking or possessing undersized paua from Amateur Taranaki Paua Fishery Area	250
r 5D	Fishing in Pukerua Bay except by hand-held line	250

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**Schedule 3**

r 4(5)

**New items relating to Fisheries (South-East Area Amateur Fishing) Regulations 1986 inserted into Schedule 1**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 6C(4)	Taking or possessing more than the daily limit of fish, but not more than 2 times the daily limit in Akaroa Harbour taiapure	250
r 6C(4)	Taking or possessing more than 2 times the daily limit of fish, but not more than 3 times the daily limit in Akaroa Harbour taiapure	500
r 6D	Taking or possessing a sea horse in Akaroa Harbour taiapure	250
r 6DA	Taking or possessing shellfish in Onawe Peninsula marine area	250

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**Schedule 4**

r 4(7)

**New item relating to Fisheries (Southland  
and Sub-Antarctic Areas Amateur  
Fishing) Regulations 1991 inserted into  
Schedule 1**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 4AAB(4)	Using, setting, possessing, or having on board a vessel or vehicle a rock lobster holding pot not marked as required	250

**Schedule 5**

r 4(8)

**New items relating to Fisheries  
(Reporting) Regulations 2001 inserted  
into Schedule 1**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 6(2)	Failing to complete a catch landing return as required	400
r 11(2)	Failing to complete a trawl catch, effort, and processing return as required	400
r 11A(2)	Failing to complete a lining catch effort return as required	400
r 11A(3)	In the case of a lining catch effort return due not later than the 15th day after the last day of the fishing trip, providing the return between the 16th day and the 20th day after the last day of the fishing trip (both days inclusive)	400
r 11A(3)	In the case of a lining catch effort return due not later than the 15th day after the last day of the fishing trip, providing the return between 6 days and 1 calendar month after the date it was due (both dates inclusive)	750
r 11B(2)	Failing to complete a netting catch effort landing return as required	400
r 11B(4)	In the case of a netting catch effort landing return due not later than the 15th day of the month, providing the return between the 16th day and the 20th day of that month (both days inclusive)	400

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 11B(4)	In the case of a netting catch effort landing return due not later than the 15th day of the month, providing the return between 6 days and 1 calendar month after the date it was due (both days inclusive)	750
r 12(2)	Failing to complete a squid jigging catch effort return as required	400
r 13(2)	Failing to complete a tuna longlining catch effort return as required	400

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **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 1 October 2009, amend the Fisheries (Infringement Offences) Regulations 2001 by—

- prescribing new infringement offences for the purposes of new regulation 19B of the Fisheries (Amateur Fishing) Regulations 1986, which concern the possession of an amount of paua that exceeds specified limits:
- prescribing a new infringement offence for the purposes of new regulation 25BA of the Fisheries (Amateur Fishing) Regulations 1986, which prohibits the use of specified loops to take rock lobster:
- prescribing new infringement offences for the purposes of new regulations 4C and 5D of the Fisheries (Central Area Amateur Fishing) Regulations 1986, which relate, respectively, to paua fishing in the Amateur Taranaki Paua Fishery Area and fishing in Pukerua Bay:
- prescribing new infringement offences for the purposes of new regulations 6C, 6D, and 6DA of the Fisheries (South-East Area Amateur Fishing) Regulations 1986, which provide for certain fishing restrictions in the Akaroa Harbour taipure and Onawe Peninsula marine area:

- prescribing a new infringement offence for the purposes of new regulation 4AAB(4) of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, which prohibits using, setting, or having on board a vessel or vehicle rock lobster holding pots unless they are marked as required:
- prescribing new infringement offences under the Fisheries (Reporting) Regulations 2001.

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

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These regulations are administered by the Ministry of Fisheries.

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