



## **Fisheries (Commercial Fishing) Amendment Regulations 2013**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 26th day of August 2013

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 (Commercial Fishing) Amendment Regulations 2013.

### **2 Commencement**

These regulations come into force on 1 October 2013.

### **3 Principal regulations**

These regulations amend the Fisheries (Commercial Fishing) Regulations 2001 (the **principal regulations**).

### **4 Regulation 52 revoked (Use of fyke nets to take eels in South Island fisheries waters)**

Revoke regulation 52.

### **5 Regulation 75 amended (Tubes must be incorporated in fyke nets)**

- (1) In regulation 75, replace “Without limiting regulation 52, commercial” with “Commercial”.
- (2) In regulation 75(b)(i), replace “25 mm” with “31 mm”.
- (3) In regulation 75(b)(i), replace “29 mm” with “32 mm”.

### **6 Regulation 76A replaced (Underwater breathing apparatus allowed when harvesting deepwater clam)**

Replace regulation 76A with:

#### **“76A Underwater breathing apparatus allowed when taking certain species**

- “(1) This subclause applies to—
- “(a) deepwater clam:
  - “(b) horse mussel:
  - “(c) sea cucumber:
  - “(d) kina, if taken from quota management area SUR4:
  - “(e) paua, if taken from quota management area PAU4.

- “(2) If a commercial fisher is carrying and operating an automatic location communicator on board a New Zealand fishing vessel that is being used for fishing for any of the species to which subclause (1) applies (the **specified species**), the commercial fisher may—
- “(a) use or have underwater breathing apparatus when taking the specified species:
  - “(b) have underwater breathing apparatus when in possession of the specified species:
  - “(c) have underwater breathing apparatus on board the vessel for the purpose of taking the specified species.
- “(3) Nothing in subclause (2) allows a commercial fisher—
- “(a) to use or have underwater breathing apparatus when taking fish, aquatic life, or seaweed other than the specified species; or
  - “(b) to have underwater breathing apparatus on board a vessel from which fish, aquatic life, or seaweed, other than the specified species, is taken.
- “(4) In this regulation,—
- “**horse mussel** means a shellfish of the species *Atrina zelandica*
  - “**quota management area PAU4** has the meaning set out in Part 3 of Schedule 1 of the Act
  - “**quota management area SUR4** means the area defined as fishery management area 4—South East (Chatham Rise) in Part 1 of Schedule 1 of the Act
  - “**sea cucumber** means a holothurian of the species *Stichopus mollis*.”

**7 Regulation 84 amended (Offences)**

In regulation 84(2), delete “52(1).”

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 2013, amend the Fisheries (Commercial Fishing) Regulations 2001 by—

- increasing the minimum diameter of escapement tubes that must be fitted in fyke nets used outside of South Island fisheries waters; and
- allowing the use of underwater breathing apparatus when fishing for horse mussel and sea cucumber anywhere in New Zealand fisheries waters, and when fishing for kina and paua in the Chatham Islands.

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 August 2013.

These regulations are administered by the Ministry for Primary Industries.

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