

Fisheries (Amateur Fishing) Amendment Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of February 2007

Present:

His Excellency the Governor-General in Council

Pursuant to 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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Schedule

Items to be inserted in appropriate alphabetical order into table in regulation 6(2)

Regulations

1 Title

These regulations are the Fisheries (Amateur Fishing) Amendment Regulations 2007.

2 Commencement

These regulations come into force on 1 April 2007.

3 Principal regulations amended

These regulations amend the Fisheries (Amateur Fishing) Regulations 1986.

4 Interpretation

Regulation 3 is amended by inserting the following definitions in their appropriate alphabetical order:

brown bullhead catfish (commonly known as catfish) means a fish of which the

scientific name is *Ameiurus nebulosus*

red gurnard means a fish of which the scientific name is *Chelidonichthys kumu*

trumpeter means a fish of which the scientific name is *Latris lineata*".

5 Minimum net mesh size and species length

The table in regulation 6(2) is amended by inserting the items set out in the Schedule in their appropriate alphabetical order.

6 New regulation 16 inserted

The following regulation is inserted after regulation 15:

"16 Live brown bullhead catfish

"(1) A person must not possess a live brown bullhead catfish.

"(2) A person who takes a live brown bullhead catfish must kill it immediately."

7 Daily allowance for dredge oysters or scallops when diving if safety person on board vessel

(1) Regulation 19A(2)(b) is amended by omitting "; and" and substituting ".".

(2) Regulation 19A(2) is amended by revoking paragraph (c).

(3) Regulation 19A is amended by inserting the following subclause after subclause (2):

"(2A) For the purposes of subclause (2), no more than an additional amount that is equivalent to 1 times the daily limit of dredge oysters or scallops may be taken in total by all persons diving from the vessel."

(4) Regulation 19A(3)(b) is amended by omitting "; and" and substituting ".".

(5) Regulation 19A(3) is amended by revoking paragraph (c).

(6) Regulation 19A is amended by inserting the following subclauses after subclause (3):

"(3A) For the purposes of subclause (3), no more than an additional amount that is equivalent to 2 times the daily limit of dredge oysters or scallops may be taken in total by all persons diving from the vessel.

"(3B) To avoid doubt, any additional amount taken for a safety person in accordance with this regulation is not part of the daily limit for the purposes of regulation 19."

8 Returning of unlawfully taken fish

Regulation 28 is amended by adding the following subclause as subclause (2):

"(2) The following are not counted towards the relevant daily limits set out in these regulations or in any other regulations relating to amateur fishing made under the Act:

"(a) any finfish that is---

"(i) of lawful size; and

"(ii) returned immediately to the waters from which it was taken in a manner in which it is likely to survive:

"(b) any fish, shellfish, or aquatic life that is---

"(i) undersized or less than its specified minimum length; and

"(ii) returned immediately to the waters from which it was taken."

Schedule

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Items to be inserted in appropriate alphabetical order into table in regulation 6(2)

Red gurnard	25
Trumpeter	35

Diane Morcom,
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 1 April 2007, make a number of amendments to the Fisheries (Amateur Fishing) Regulations 1986.

The effect of the amendments is as follows:

- o it is made clear that any finfish of lawful size that is likely to survive and is immediately returned to the waters from which it was taken is not to be included in the fisher's maximum daily limit:
- o any undersize fish, shellfish, or aquatic life that is immediately returned to the waters from which it was taken is not to be included in the fisher's maximum daily limit:
- o a diver who takes less than 3 times his or her individual entitlement under regulation 19A is not to be considered to have committed a serious non-commercial offence under regulation 29:

- o national amateur fishing minimum legal sizes are introduced for red gurnard (25 cm) and trumpeter (35 cm):

- o it is unlawful to possess a live catfish and any catfish taken alive must be killed immediately.

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

Date of notification in Gazette: 1 March 2007.

These regulations are administered by the Ministry of Fisheries.