



# **Fisheries (South-East Area 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 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 (South-East Area Commercial Fishing) Amendment Regulations 2013.
  
- 2 Commencement**  
These regulations come into force on 1 October 2013.
  
- 3 Principal regulations**  
These regulations amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986 (the **principal regulations**).
  
- 4 Regulation 2 amended (Interpretation)**
  - (1) In regulation 2(1), revoke the definitions of **consumer pack**, **licensed fish receiver’s premises**, **Otago Concession Area**, **Otago Concession Buffer Zone**, and **place or port of domicile**.
  - (2) In regulation 2(1), insert in their appropriate alphabetical order:
    - “**licensed fish receiver** means a holder of a fish receiver licence granted under the Fisheries (Licensed Fish Receivers) Regulations 1997
    - “**Otago Region** means the Otago Region as constituted by the Local Government (Otago Region) Reorganisation Order 1989 (13 June 1989) 99 *New Zealand Gazette* 2408
    - “**point of consumption** means the point in time when a rock lobster or rock lobster tail is being prepared for consumption, and excludes any time the rock lobster or rock lobster tail is stored in a refrigerator or other storage device prior to being prepared for consumption

“**quota management area CRA7** means quota management area CRA7—Otago as defined in Part 3 of Schedule 1 of the Fisheries Act 1996”.

**5 Regulation 6 replaced (Special provisions relating to taking of rock lobster from Otago Concession Area)**

Replace regulation 6 with:

**“6 Special provisions relating to taking of rock lobster from quota management area CRA7**

- “(1) Despite regulation 37 of the Fisheries (Commercial Fishing) Regulations 2001, but subject to regulation 41 of those regulations, any person authorised to take rock lobster from quota management area CRA7 may take or be in possession of or sell to a licensed fish receiver an undersize rock lobster, or undersize rock lobster tail, if—
- “(a) the lobster is taken from quota management area CRA7; and
  - “(b) the length of the tail of the lobster is not less than 127 mm; and
  - “(c) the lobster is, or, if on board a fishing vessel, is to be, landed at a point lying within quota management area CRA7; and
  - “(d) the rock lobster is, or, if on board a fishing vessel, is to be, delivered and sold to a licensed fish receiver—
    - “(i) within the Otago Region; or
    - “(ii) outside the Otago Region, subject to the licensed fish receiver being approved by the chief executive under subclause (2) in accordance with the relevant conditions of any approval.
- “(2) The chief executive may, subject to any conditions the chief executive thinks fit, approve in writing any licensed fish receiver outside the Otago Region as a point to which rock lobster or rock lobster tails taken pursuant to subclause (1) may be delivered and sold.
- “(3) In subclause (1), a reference to an undersize rock lobster is a reference to a rock lobster that is undersize according to the provisions of regulation 37 of the Fisheries (Commercial Fishing) Regulations 2001.”

**6 Regulation 7 replaced (Processing and sale of Otago  
Concession Area rock lobster)**

Replace regulation 7 with:

**“7 Processing and sale of quota management area CRA7  
rock lobster**

- “(1) Any person who sells, possesses, or processes any rock lobster or rock lobster tail under regulation 6 must ensure that, except as otherwise authorised by these regulations,—
- “(a) no rock lobster is tailed or processed unless it is alive immediately before tailing or processing commences;
  - “(b) all tailing and processing of rock lobster, or rock lobster tail, is carried out by a licensed fish receiver;
  - “(c) every rock lobster or rock lobster tail that is intended for export is—
    - “(i) exported directly from a licensed fish receiver; or
    - “(ii) delivered to an export transshipment point approved by the chief executive under subclause (2) in accordance with the relevant conditions of any approval;
  - “(d) every rock lobster or rock lobster tail that is intended for sale in New Zealand must be tagged or labelled, and the tag or label must—
    - “(i) be attached by a licensed fish receiver prior to the removal of the rock lobster from the licensed fish receiver’s premises for the purpose of sale; and
    - “(ii) be secure and cannot be reused; and
    - “(iii) clearly show that the rock lobster was taken from quota management area CRA7; and
    - “(iv) clearly show a unique numerical or alphabetical identifier (or both) for each rock lobster.
- “(2) The chief executive may, subject to any conditions the chief executive thinks fit, approve in writing any premises or point within New Zealand as an export transshipment point to which rock lobster or rock lobster tails taken under regulation 6(1) may be sent by a licensed fish receiver.
- “(3) Any licensed fish receiver that processes rock lobster or rock lobster tail that is intended for sale in New Zealand must keep and maintain records detailing—

- “(a) the unique numerical or alphabetical identifier (or both) of the tag or label attached to each rock lobster or rock lobster tail; and
  - “(b) the name and address of the person buying or otherwise acquiring each individually tagged or labelled rock lobster or rock lobster tail; and
  - “(c) the sales invoice number for each individually tagged or labelled rock lobster or rock lobster tail.
- “(4) No person may sell or possess rock lobster or rock lobster tail that is not tagged or labelled in accordance with regulation 7(1)(d), and that is intended for sale in New Zealand, unless the rock lobster or rock lobster tail is—
- “(a) in the process of being taken under regulation 6(1) and has not yet reached a licensed fish receiver for tagging or labelling in accordance with regulation 7(1)(d); or
  - “(b) at the point of consumption.”

## **7 Regulations 8 and 8A revoked**

Revoke regulations 8 and 8A.

## **8 Consequential amendments**

- (1) In regulation 7A, replace “Otago Concession Area” with “quota management area CRA7”.
- (2) In regulation 9, replace “the Otago Concession Buffer Zone” with “quota management area CRA7”.
- (3) In regulation 12(1), replace “7(e)” with “7(1)(c), 7(1)(d)”.
- (4) In regulation 12(2), replace “7(a) to (d)” with “7(1)(a) and 7(1)(b)”.
- (5) In regulation 12(2), replace “8 to 8B” with “8B”.

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 (South-East Area Commercial Fishing) Regulations 1986. The effect of the amendments is to—

- revoke the prohibition on commercial fishing within the Otago Concession Area Buffer Zone:
  - no longer require commercial fishers taking undersize rock lobster to register their fishing vessel in Dunedin and domicile it at a port or place within the Otago Concession Area:
  - allow undersize rock lobster to be delivered and sold to a licensed fish receiver either within the Otago Region, or outside the Otago Region if the chief executive has approved that licensed fish receiver:
  - require that undersize rock lobster intended for export must be either exported directly from a licensed fish receiver, or delivered to an export transshipment point:
  - give the chief executive the power to approve premises or a point within New Zealand as an export transshipment point:
  - revoke the requirement for undersize rock lobster intended for export to be packed into a container that is sealed under the direction of a fishery officer:
  - revoke the requirement for a licensed fish receiver to notify the Ministry for Primary Industries of full particulars relating to undersize rock lobsters intended for export:
  - revoke the requirement that undersize rock lobster intended for sale in New Zealand be packed into a consumer pack:
  - require licensed fish receivers to comply with new product identification and record-keeping regulations for undersize rock lobster intended for sale in New Zealand:
  - allow commercial rock lobster fishing in quota management area CRA7 during any time of the year.
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Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry for Primary Industries.

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