



Fisheries (Southland and Sub-Antarctic Areas 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 (Southland and Sub-Antarctic Areas Commercial Fishing) Amendment Regulations 2013.

2 Commencement

These regulations come into force on 1 October 2013.

3 Principal regulations

These regulations amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

(1) In regulation 2(1), revoke the definitions of **licensed fish receiver's premises**, **Southland concession area**, and **Southland concession pack**.

(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

“**quota management area CRA8** means the quota management area CRA8—Southern as defined in Part 3 of Schedule 1 of the Fisheries Act 1996”.

(3) Revoke regulation 2(3).

5 Regulation 5C amended (Concession relating to female rock lobster)

(1) Replace the heading to regulation 5C with “**Special provisions relating to female rock lobster**”.

(2) In regulation 5C(1),—

(a) replace “quota management area CRA8—southern (as defined in Part 3 of Schedule 1 of the Fisheries Act 1996)” with “quota management area CRA8”; and

(b) replace “licensed fish receiver's premises” with “licensed fish receiver”.

- (3) In regulation 5C(1)(a), replace “the Southland concession area” with “quota management area CRA8”.
- (4) In regulation 5C(1)(b), replace “the Southland concession area” with “quota management area CRA8”
- (5) Replace regulation 5C(1)(c) with:
 - “(c) 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 Southland Region; or
 - “(ii) outside the Southland Region, subject to the licensed fish receiver being approved by the chief executive under subclause (3) and in accordance with the relevant conditions of any approval; and”.
- (6) In regulation 5C(2), replace “licensed fish receiver’s premises” with “licensed fish receiver”.
- (7) After regulation 5C(2), insert:
 - “(3) The chief executive may, subject to any conditions the chief executive thinks fit, approve in writing any licensed fish receiver outside the Southland Region as a point to which female rock lobster or tails taken in accordance with subclause (1) may be delivered and sold.”

6 Regulation 5E amended (Processing and sale of Southland concession area rock lobster)

- (1) Replace the heading to regulation 5E with “**Processing and sale of quota management area CRA8 female rock lobster**”.
- (2) In regulation 5E(1), replace “regulation 5B(2) or regulation 5C(2) shall ensure, as far as that person is able, that, except as otherwise authorised by these regulations,—” with “regulation 5C(2) must ensure that, except as otherwise authorised by these regulations—”.
- (3) Replace regulation 5E(1)(a) to (d) with:
 - “(a) all tailing and processing of female rock lobster or tails is carried out by a licensed fish receiver; and
 - “(b) female rock lobster, or tails, intended for sale in New Zealand are held in a container clearly and legibly marked ‘CRA8 rock lobsters’; and

- “(c) female rock lobster, or tails, intended for export are either—
- “(i) exported directly from a licensed fish receiver; or
 - “(ii) delivered to an export transshipment point approved by the chief executive under subclause (2) and in accordance with the relevant conditions of any approval.”
- (4) Replace regulation 5E(2) with:
- “(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 female rock lobster or tails taken in accordance with regulation 5C may be sent by a licensed fish receiver.”
- (5) Revoke regulation 5E(3).

Rebecca Kitteridge,
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 October 2013, amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986. The amendments—

- revoke the requirement for undersize female rock lobster to be packed into Southland Concession packs:
- require undersize female rock lobster intended for sale in New Zealand to be held in containers marked “CRA8 rock lobsters”:
- revoke the requirement for a licensed fish receiver to notify the Ministry for Primary Industries of full particulars relating to undersize female rock lobster intended for export:

- revoke the requirement for a licensed fish receiver to keep records relating to undersize female rock lobster being processed.

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.
