



Fisheries New Zealand

Tini a Tangaroa

Proposed technical amendments to fisheries regulations – Decision document

Prepared by Fisheries New Zealand

ISBN No: 978-1-99-105235-3 (online)

October 2022

Contents

Page

1	Context	1
2	Executive Summary	5
3	Background	5
4	Submissions received	6
5	Individual proposals	6
6	Proposals relating to rock lobster	7
6.1	Method of measurement for packhorse rock lobster	7
6.2	Amendment to definition of certain categories of prohibited rock lobster	8
7	Proposals relating to commercial fishing methods or gear	10
7.1	Revoke requirement to attach surface floats to set nets at 500 metre intervals	10
7.2	Define terms used in trawl net and Danish seine net restrictions	11
7.3	Prohibit use of 'J' hooks by surface longline fleet	12
8	Proposals relating to customary fishing regulations	13
8.1	Amendments to authorisation provisions in Te Arawa lakes regulations	13
8.2	Proposal relating to bylaws made under customary fisheries regulations	14
9	Amateur daily limit proposals	15
9.1	Amendment to amateur daily limit provisions for blue cod in the Fiordland (Te Moana o Atawhenua) Marine Area	15
9.2	Reducing amateur daily limit for quinnat salmon in marine waters to one fish per day	16
9.3	Amendments to Chatham Islands amateur daily limit provisions	17
10	Administrative regulatory proposals	19
10.1	Amendment to definition of commercial fishing trip	19
10.2	Amendments to licensed fish receiver regulations	21
10.3	Surface float requirements for commercial fishers using pots attached to a backbone	22
10.4	Clarification of minimum set net mesh size requirements that apply to commercial fishers	23
10.5	Clarification around use of pots to take blue cod or octopus	24
10.6	Amend labelling requirements for amateur fishers taking rock lobster in CRA 5	25
10.7	Clarify definition of 'width of arm of the sea' in commercial regulations	26
10.8	Revoke redundant regulation relating to approval of trawl nets	28
10.9	Amend aspects of shark fin management provisions	29
10.10	Revoke South Tasman Rise orange roughy regulations	30
10.11	Clarification that amateur fishers may bleed blue cod	31
10.12	Amendments to defence on possession of blue cod by amateur fishers	32
10.13	Clarify restrictions on line fishing by amateur fishers	34
10.14	Amendments to Otago rock lobster fishery provisions	35
10.15	Ensure references to quota management areas and fishery management areas in commercial fishing regulations are correct	36
11	Other issues not consulted on	37
11.1	Additional regulatory proposals	37
12	Other issues raised in submissions	39
	Appendix 1 – Proposed amateur daily limits for Chatham Island waters (section 9.3)	41
	Appendix 2 – Terms used in trawl and Danish seine design restrictions (section 7.2)	43
	Appendix 3 – Proposed amendments to Te Arawa Lakes (Fisheries) Regulations 2006 (section 8.1)	44

1 Context

1. In January 2022, Fisheries New Zealand (FNZ) released a discussion document containing 33 proposed operational changes to various fisheries regulations covering customary, amateur, and commercial fisheries.
2. Following the consultation period you agreed to progress the minor, technical, and non-controversial proposals ahead of the remainder. This paper provides you with final advice on this first tranche of proposals, which are considered routine and do not require new policy decisions. The proposals are listed in Table 1, which provides a summary and description of the proposed regulatory changes. These proposed changes are discussed in more detail one by one from Section 6.
3. The proposals include those that were in the discussion document, together with 10 additional minor regulatory amendments. The 10 additional proposed amendments were not included in the discussion document but are consistent with the routine nature of the proposals in this decision document.
4. A separate advice paper will be provided that addresses the remainder of the 33 proposals that were contained in the discussion document. FNZ anticipates providing the second advice paper towards the end of 2022.

Table 1. Overview of the minor, technical, and non-controversial proposals addressed in this decision document from sections 6 to 11

Summary of proposal	Description
Proposals relating to rock lobster	
Amend method of measurement for packhorse rock lobster	The proposal is that the minimum legal size requirements for packhorse rock lobster change from a tail <u>length</u> measure to a tail <u>width</u> measure, consistent with that for spiny rock lobster.
Amend definition of some categories of prohibited rock lobster	The proposal is that large rock lobster that are clearly above minimum legal size requirements be excluded from provisions relating to taking or possessing rock lobster with damage to specific parts of their exoskeleton. The intent of the proposal is that regulations focus on smaller rock lobsters, for which minimum legal size requirements are an active compliance consideration.
Proposals relating to commercial fishing methods or gear	
Revoke requirement for commercial set net fishers to attach additional floats at 500 m intervals	The requirement to attach additional surface floats is viewed as redundant. The key requirement, to attach surface floats at either end of set nets, would remain.
Define terms used in trawl net and Danish seine net restrictions	The proposal is that terms used in trawl net and Danish seine net restrictions (liners, sleeves, flappers, and method of strengthening) are defined to facilitate development of innovative gear technology.
Prohibit use of 'J' hooks by surface longline fishers to reduce turtle captures	The proposal reflects international best practice for mitigation of turtle captures in surface longline fisheries.
Proposals relating to customary fishing regulations	
Amend authorisation provisions in Te Arawa lakes regulations	In response to a request by Te Arawa iwi, minor amendments are proposed to the authorisation provisions in the Te Arawa lakes customary fishing regulations.
To provide for bylaws made under customary fisheries regulations to incorporate possession as well as taking of fish	This proposal is to amend customary fisheries regulations such that bylaws made under those regulations can incorporate possession as well as taking of fish. The omission of the possession clause is viewed as an oversight.
Amateur daily limit proposals	
Amend amateur daily limit provisions for blue cod in Fiordland (Te Moana o Atawhenua) Marine Area	The outcome of this proposal is that fishers would not be able to accumulate daily limits. The existing amateur daily limit of 10 would remain unchanged.
Reduce amateur daily limit for quinnat salmon in marine waters from two to one	This proposal is to align the daily limit for quinnat salmon taken in marine waters with rules implemented in 2019 that apply to waters under Fish and Game jurisdiction on the east coast of the South Island.
Amend Chatham Islands amateur daily limit provisions	The first aspect of this proposal is to reduce the amateur daily limits that apply to a number of species taken in Chatham Island waters. The second aspect of the proposal is to remove the ability to accumulate amateur daily limits. The proposal was developed based on a request from Chatham Islander stakeholders.
Administrative proposals	
Amend definition of fishing trip	The proposal is to amend the definition of trip, in the context of commercial fishing, to reflect operational practices.
Amend definition of 'premises' in licensed fish receiver regulations	The proposal is that the definition of premises, as it applies to licensed fish receivers, is amended to remove the ambiguity associated with the existing definition.

Summary of proposal	Description
Administrative proposals (continued)	
Clarify surface float requirements for commercial fishers using pots attached to a backbone	The outcome of the proposal is to clarify that surface floats are only required at either end of a backbone to which multiple pots are attached.
Clarify minimum set net mesh size requirements for commercial fishers	The proposal is to clarify that regulated minimum set net mesh sizes only apply to the species a fisher is targeting.
Clarify requirements for pots used by commercial fishers to take blue cod or octopus	The proposal is to clarify that the design requirements for blue cod or octopus pots only apply when those species are being targeted
Amend labelling requirements for amateur rock lobster fishers in the Canterbury/top of the South Island fishery	The proposal is to clarify that the 'bag and tag' labelling requirements apply to all amateur fishers in CRA 5, including those who take rock lobster without using a vessel.
Clarify definition of 'width of arm of the sea' in commercial regulations	The proposal is to replace the current wording with equivalent wording in amateur regulations, which is considered clearer.
Revoke redundant regulation relating to approval of trawl nets	The proposal is to revoke one of the two regulations relating to compliance with approval to use different types of trawl nets due to it being unnecessary and administratively difficult.
Amend aspects of shark fin management measures	The proposal applies to one component of the shark fin management regime; the ability to specify which shark species are subject to the 'fins artificially attached' approach. The proposal is that any changes to the species subject to this approach are implemented via circular rather than regulation. The proposal does not involve changing any of the policy settings around the shark fin management regime.
Revoke South Tasman Rise orange roughy regulations	The proposal is that the regulations are revoked due to being redundant. Management of orange roughy on the South Tasman Rise is now effected through the South Pacific Regional Fisheries Management Organisation.
Clarify that amateur fishers may bleed blue cod	The outcome of the proposal is to clarify that bleeding blue cod does not contravene the regulations that require blue cod to be landed in a whole or gutted state.
Amend the defence on possession of blue cod by amateur fishers	The proposal applies to amateur fishers who fish for blue cod outside the Territorial Sea off parts of the east coast of the South Island. The outcome is to enable those fishers to bring a daily limit of blue cod back through areas where more restrictive daily limits apply i.e. enable possession of more blue cod than the daily limit of the area fishers transit through.
Clarify restriction on use of longlines by amateur fishers	This proposal clarifies two aspects of the provisions relating to use of 'longlines' by amateur fishers (but not use of a rod and reel or handlines). First, that the 25-hook limit applies to <u>all</u> fishers, not just those on board a vessel. Second, that the offence of possessing more than one longline applies whether the longlines are in the water or not.
Clarify regulations relating to Otago commercial rock lobster fishery	This proposal comprises two minor updates to provisions relating to the Otago commercial rock lobster fishery. The first is that the reference to 'licensed fish receivers' is amended to refer to the location of a 'licensed fish receiver's premises.' The second update involves a minor wording change. Neither of the proposed updates changes obligations for those involved in the fishery.

Summary of proposal	Description
Administrative proposals (continued)	
Ensure references to 'fishery management areas' and 'quota management areas' in commercial fishing regulations are correct	The proposal relates to the use of correct terminology in this set of regulations.
Change reference to <i>Ngāti Apa ki te Rā Tō Post-Settlement Trust</i> in customary fisheries regulations	The change has been requested on the basis that the entity currently referred to in the regulation does not exist.
Replace a reference to freshwater eel stocks ANG 11-16 with the equivalent long-finned and short-finned stocks (LFE 11-16 and SFE 11-16)	The proposal is consequential to changes made in 2016 to the management of freshwater eel stocks.
Update selected references to sections in the Fisheries Act 1996 in the regulations that set out the functions, duties, and powers delivered by FishServe	The amendments are consequential to changes made to the Fisheries Act 1996 in 2016 that changed the numbering of some sections of the Act.
Revoke fees for provisions made under the Fisheries Act 1983	The fees are redundant as the relevant legislation no longer exists.
Update incorrect references within a customary fishing regulation	The proposal is to correct minor drafting errors in a regulation where there are incorrect references to other regulations within that regulation.
Amend electronic monitoring regulations to be consistent with operational aspects of the on-board camera programme	The proposed amendments will enable video footage and associated information, and notifications of technical failures, to be made to persons authorised/nominated by the chief executive of MPI. The amendment reflects recent decisions on the service delivery model for on-board cameras.
Create a corresponding penalty for an offence specified in the reporting regulations	At the time the reporting regulations were amended in 2019, a drafting error resulted in a new offence not having a corresponding penalty.
Amend amateur fishing regulations such that references to blue cod daily limits are contained in one part of the regulations (with the exception of the Fiordland (Te Moana o Atawhenua) marine area and internal waters of Fiordland)	The purpose of the proposal is to remove the overlap and inconsistency that currently exists within the amateur fishing regulations.
Clarify that when amateur fishers use a line from a vessel, and the line is set, moored, or placed, and is not held in the hand (or otherwise attached to the vessel), at least one surface float must be attached	The purpose of the proposal is to clarify the existing requirements, which are unclear.

2 Executive Summary

5. The 25 proposals in this decision document represent the technical and non-controversial proposals in a consultation document released by FNZ in January 2022 that contained 33 proposals. This decision document also contains a further 10 minor regulatory amendments additional to those in the decision document. Collectively, the proposals cover amendments to customary, amateur and commercial fishing regulations.
6. In total, FNZ received 66 submissions in response to the discussion document. The technical and non-controversial proposals in this decision document were all well supported by iwi and stakeholders.
7. Following your decisions the Ministry for Primary Industries (MPI) / FNZ will prepare drafting instructions for Parliamentary Counsel Office, who will draft the regulatory amendments. FNZ will then prepare a paper for you to take to the Cabinet Legislation Committee to seek that Committee's approval of the regulatory amendments.

3 Background

8. The Fisheries Act 1996 provides for regulations to be made for a considerable number of different purposes. As such, regulations are used extensively in the fisheries context. The proposals that were set out in the discussion document covered a wide variety of issues, including:
 - Input controls for commercial fishers
 - Amendments to customary fisheries regulations
 - Recordkeeping requirements for stakeholders involved in commercial fisheries
 - Amateur daily limits
 - Increasing the number of regulations for which infringement notices can be issued (use of seabird mitigation devices and recordkeeping regulations) together with other enhancements to MPI's compliance framework
9. The proposals in the discussion document were assessed against the following objectives:
 - Improving clarity in regulations where there is ambiguity or unclear wording
 - Improving compliance outcomes
 - Increasing consistency within or between regulations
 - Reducing costs through removal of redundant regulations
 - Administrative simplicity
 - Removing unnecessary utilisation constraints
 - Providing flexibility to commercial fishers, while maintaining sustainability and reducing environmental impacts
 - Reducing the risk to protected species
 - Giving effect to community aspirations to manage amateur fisheries
10. Some of the proposals were of an enabling nature such as enabling the use of commercial harvesting methods that may assist in realising the economic potential of some fisheries and improving environmental performance.
11. Another group of proposals involved enhancements to the offences and penalties regime including making greater use of infringement offence provisions. This decision document does not, however, seek your decisions on any of the proposals that related to commercial harvesting methods or

offences and penalties (they are being progressed separately and will be addressed in the subsequent decision document).

12. A small number of proposals would result in additional obligations or restrictions on fishers. Collectively, however, the additional obligations resulting from the proposed amendments were not considered significant.
13. The majority of the proposed amendments contained in the discussion document were technical amendments that, if given effect as proposed, will have little or no direct impact on tangata whenua and stakeholders in terms of increased costs or additional obligations.

4 Submissions received

14. FNZ received a total of 66 submissions in response to the discussion document. The nature of submissions ranged between providing feedback on a single proposal to commenting on the majority of the proposals in the discussion document.
15. The submissions received in response to each proposal are outlined in the subsequent sections of this decision document.

5 Individual proposals

16. Sections 6-10 set out the individual proposals for which your decisions are sought. Proposals have been grouped into categories.
17. For each of the proposals that were consulted on, the decision document provides you with the following: a description of the proposal that was consulted on; a summary of submissions; FNZ's analysis and consideration of options; and recommendations.
18. Section 11 addresses all of the 10 additional proposals that were not included in the technical regulation package discussion document. A description of each proposal is provided and there is a collective recommendation relating to the group of proposals as a whole.

6 Proposals relating to rock lobster

6.1 METHOD OF MEASUREMENT FOR PACKHORSE ROCK LOBSTER	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the minimum legal size (MLS) requirements that apply to packhorse rock lobster (<i>Sagmariasus verreauxi</i>). The proposal was initially put forward by rock lobster stakeholders.</p> <p><i>Proposal</i></p> <p>FNZ proposed that the current tail <u>length</u> measure of 216 mm for packhorse rock lobster was replaced with tail <u>width</u> measures of 84 mm for males and 90 mm for females. The tail width method of measurement is viewed as less stressful and potentially less damaging to lobsters than the tail length method. It is also considered more straightforward for fishers when handling and measuring lobsters.</p> <p>FNZ proposed that the amendment would apply to commercial and amateur fishers.</p> <p><i>Submissions received</i></p> <p>Seven submissions commented on this proposal. Additionally, Fisheries Inshore New Zealand noted its support for the New Zealand Rock Lobster Industry Council's submission on the proposed amendment. Submissions were received from:</p> <ul style="list-style-type: none"> • Chatham Islands Quota Holding Ltd • Dave Guccione • Ferrymead Fishing Club • Joint amateur submitters • New Zealand Rock Lobster Industry Council • National Rock Lobster Management Group • Ted Howard <p>All submissions support the proposal. Support from the Ferrymead Fishing Club and joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea) was conditional on the change applying equally to commercial and amateur fishers.</p> <p>Dave Guccione agrees that a tail width measure is better than tail length. He also notes that he has seen people trying to measure length both abdominally and dorsally, and that moving to tail width would remove that confusion.</p> <p>The NZ Rock Lobster Industry Council (RLIC) welcomes FNZ's acknowledgement of the inconsistency between the spiny rock lobster and packhorse rock lobster MLS method of measure. RLIC also acknowledges the practical benefits of the proposal being broadly consistent with current spiny rock lobster measures; it is likely to be relatively straightforward to communicate to fishers.</p> <p>The National Rock Lobster Management Group (NRLMG), which has supported development of the proposal, also agrees that a tail width is better than a tail length. They note that the proposal is not expected to have any impact on the sustainability of the stock and is expected to improve ease of measure for fishers and reduce damage to animals.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the level of support for this proposal and commends the NRLMG for its role in the proposal's development. Regarding the comment from the Ferrymead Fishing Club and the joint amateur submitters, FNZ can confirm that the intention is that the proposed change will apply equally to both commercial and amateur fishers.</p> <p>FNZ notes that in addition to amending commercial and amateur fishing requirements, additional work would be required to implement this proposal. This includes updating relevant guidance material and signage, particularly for amateur fishers, and developing and making suitable measuring devices available to fishers. There is an existing budget for this type of activity within the Ministry for Primary Industries and no additional funding is required.</p>	<p>a) Note that this proposal relates to the minimum legal size (MLS) requirements that apply to packhorse rock lobster.</p> <p>b) Note that the desired outcome is for the existing tail length MLS method of measurement to be replaced with an MLS based on tail width and that the change applies to commercial and amateur fishers.</p> <p>c) Agree that the MLS for male packhorse rock lobster is set at 84 mm tail width.</p> <p>d) Agree that the MLS for female packhorse rock lobster is set at that 90 mm tail width.</p> <p>e) Note that the tail width MLS for packhorse rock lobster would use the same anatomical features that apply to spiny rock lobster.</p> <p>f) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013, the Fisheries (Commercial Fishing) Regulations 2001, and the proposed recreational fishing controls notice to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p> <p>NOTED</p> <p>YES / NO</p>

6.2 AMENDMENT TO DEFINITION OF CERTAIN CATEGORIES OF PROHIBITED ROCK LOBSTER	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the regulations applying to commercial and amateur fishers that prohibit the taking and possessing (and in the case of commercial fishers, the processing and sale) of certain categories of rock lobster. Parts of these regulations prohibit fishers from taking or possessing lobsters that have damage to parts of their exoskeleton. Specifically, rock lobsters must not be taken or possessed if:</p> <ul style="list-style-type: none"> • The calcified bar or a part of the exoskeleton (the outer shell of the tail) of the first abdominal segment of the tail is fractured, or • The rock lobster is in such a state that its tail cannot be properly measured under the relevant regulations, or • In the case of spiny rock lobster, the calcified bar or a part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of the tail is fractured or a part of the primary pleural spine of the second abdominal segment is broken) <p>The intention of the regulations is to prohibit the landing or possessing of small rock lobsters that cannot be measured accurately to determine whether they meet minimum legal size (MLS) requirements. However, the regulations apply to all rock lobsters, including large lobsters that are clearly above MLS requirements.</p> <p><i>Proposal</i></p> <p>FNZ proposed that amendments were made to the relevant regulations such that they did not apply to large rock lobster that are above MLS requirements. The specific proposals for both species of rock lobster are detailed below.</p> <p>For spiny rock lobster, FNZ proposed two approaches:</p> <ul style="list-style-type: none"> • A weight-based approach where the regulations would not apply to spiny rock lobster that are more than 600 grams in weight. Rationale for this approach is that animals weighing more than this are sufficiently big to be above all MLS requirements. • Development of a length measure. This was viewed as likely to be more straightforward for fishers while they are at sea, on the basis that it is easier to measure lobsters than to weigh them. Options identified were tail length or carapace length measures, with carapace length identified as the preferred length-based measure.¹ Accordingly, FNZ proposed that the regulations would not apply to spiny rock lobsters with a carapace length of more than 110 mm. <p>For packhorse rock lobster, FNZ proposed a similar approach; either a weight-based approach (2 kg was proposed) or a length measure. FNZ did not have any information on which to base an appropriate carapace length for this species but suggested that the existing 216 mm tail length measure (refer section 6.1) could be used as the basis for a tail length cut-off.</p> <p>FNZ also asked stakeholders to comment on whether specific parts of the regulations could be consequentially revoked as part of this proposal on the basis of being redundant.</p> <p><i>Submissions received</i></p> <p>Six submissions commented on this proposal. Additionally, Fisheries Inshore New Zealand noted its support for the New Zealand Rock Lobster Industry Council's submission on the proposed amendment. Submissions were received from:</p> <ul style="list-style-type: none"> • Chatham Islands Quota Holding Ltd • New Zealand Rock Lobster Industry Council • Ferrymead Fishing Club • National Rock Lobster Management Group • Joint amateur submitters • Ted Howard <p>All submissions express support for the proposal as a whole.</p> <p>The Ferrymead Fishing Club notes that the size or weights adopted should be suitably large to leave no doubt that the lobster is above MLS requirements. The joint amateur submission comments that the proposal represents a sensible change to the regulations and suggests there are other instances that could benefit from taking the same approach. The amateur blue cod fishery is suggested as an example.</p> <p>The NZ Rock Lobster Industry Council (RLIC) notes that the relevant regulations can be better formulated to achieve the intended outcome. Permitting fishers to take superficially damaged lobsters that are clearly above the MLS poses no additional sustainability risk.</p>	<p>a) Note that this proposal relates to regulations that prohibit commercial and amateur fishers from taking or possessing rock lobster with damage to specific parts of their exoskeleton.</p> <p>b) Note that the desired outcome is for the relevant regulations to exclude large rock lobsters that are above minimum legal size requirements.</p> <p>c) Agree that regulations do not apply to:</p> <ol style="list-style-type: none"> Spiny rock lobster that weigh more than 600 grams or that have a carapace length equal to or more than 110 millimetres. Packhorse rock lobster that weigh more than two kilograms or that have a tail length equal to or more than 216 millimetres. <p>d) Agree to revoke regulations 41(1)(e) and (f) of the Fisheries (Commercial Fishing) Regulations 2001 and regulations 31(1)(d) and (e) of the Fisheries (Amateur Fishing) Regulations 2013 on the basis that they are now redundant.</p> <p>e) Agree that the regulations that apply to the second abdominal segment are amended such that they also apply to packhorse rock lobster (regulations 41(1)(g) of the Fisheries (Commercial Fishing) Regulations 2001 and 31(1)(f) of the Fisheries (Amateur Fishing) Regulations 2013).</p> <p>f) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 and the Fisheries (Commercial Fishing) Regulations 2001 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p> <p>YES / NO</p> <p>YES / NO</p>

¹ A lobster's carapace is the main part of the exoskeleton (it includes the head and is the section to which the legs are attached). A diagram showing how carapace length is measured is available [here](#).

RLIC supports implementation of both weight and length-based cut offs, noting that there are situations where each of the proposed alternative measures will be more operationally appropriate. For spiny rock lobster, RLIC recommends that the length-based cut off uses carapace length on the basis that this would not require extending the tail of the lobster in order to determine tail length. This, in turn, reduces the potential for damage associated with fully extending the tail.

For the length-based cut off for packhorse rock lobster, RLIC recommends using tail length.

The National Rock Lobster Management Group (NRLMG) notes that commercial members of the NRLMG are particularly supportive of the proposal. In its submission, RLIC noted that some fishers and LFRs will not accept larger rock lobsters that may be susceptible to damage in order to prevent any liability for prosecution associated with a technical breach of the regulations.

The NRLMG also agrees that some of the regulations where categories of prohibited rock lobster are set out could be revoked as a consequence of the proposal.

Options and analysis

FNZ acknowledges the level of support for this proposal and commends the NRLMG for its role in the proposal's development.

FNZ agrees with RLIC that there are situations where weight-based or length-based cut offs would be appropriate and recommends both approaches are incorporated.

Regarding the specific proposals for each species, no additional information was provided that would result in changes to what was proposed in the discussion document. The information is summarised in the table below.

Table 2. Summary of recommended cut-offs for spiny rock lobster and packhorse rock lobster

	Spiny rock lobster	Packhorse rock lobster
Weight-based cut off	600 grams	2 kilograms
Length-based cut off	Carapace length of 110 mm	Tail length of 216 mm

FNZ notes the NRLMG's support for consequential amendments to revoke specific parts of the existing regulations on the basis that they are now redundant. The specific regulations are regulations 41(1)(e) and (f) of the Fisheries (Commercial Fishing) Regulations 2001 and regulations 31(1)(d) and (e) of the Fisheries (Amateur Fishing) Regulations 2013. Those regulations state that rock lobsters must not be taken or possessed if:

- The calcified bar or a part of the exoskeleton (the outer shell of the tail) of the first abdominal segment of the tail is fractured, or
- The rock lobster is in such a state that its tail cannot be properly measured under these regulations.

Rationale for why the first of these categories would be redundant is that the first abdominal segment is only relevant in the context of the tail length method of measurement. If you agree to amend the method of measurement for packhorse rock lobster (section 6.1), the only remaining fishery that has minimum legal size based on tail length is the commercial Otago rock lobster fishery. FNZ is satisfied that rock lobster in this fishery can be measured accurately regardless of the state of the first abdominal segment.

FNZ considers that the non-specific nature of the second category ('the lobster is in such a state that its tail cannot be properly measured') means this regulation is no longer required given the prescriptive nature of the remainder of the relevant regulations.

FNZ notes that in the event of MLS requirements based on tail width applying to almost all rock lobster fisheries, the regulations that apply to the second abdominal segment become key i.e. regulations 41(1)(g) of the Fisheries (Commercial Fishing) Regulations 2001 and 31(1)(f) of the Fisheries (Amateur Fishing) Regulations 2013.

Currently, these regulations only apply to spiny rock lobster. However, if the minimum legal size for packhorse rock lobster moves to a tail width method of measurement, these regulations should be amended such that they also apply to this species.

7 Proposals relating to commercial fishing methods or gear

7.1 REVOKE REQUIREMENT TO ATTACH SURFACE FLOATS TO SET NETS AT 500 METRE INTERVALS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to commercial set net fishers who, as a minimum requirement, must attach surface floats at each end of their gear. An additional requirement applies when fishers a) use more than 500 metres of nets and b) set their nets such that the upper edge of the net is more than 2 metres below the surface of the water. The additional requirement is that fishers must attach additional surface floats at intervals of 500 metres or less.</p> <p><i>Proposal</i></p> <p>FNZ's proposal was to revoke the requirement to attach additional surface floats at intervals of 500 metres or less (noting that the requirement to attach marked surface floats at either end of set nets would remain).</p> <p>Rationale for the proposal was that there was no clear policy intent associated with the current requirement. As it only applies when nets are set deeper than 2 metres, it is unlikely to be related to alerting other water users to the presence of nets. Additionally, mandatory electronic catch and position requirements mean that fishery officers have access to fine scale information that enables static fishing gear to be located, if desired.</p> <p><i>Submissions</i></p> <p>Two submitters commented on this proposal. Ted Howard fully supports the proposal in respect of waters greater than 10 metres deep. However, he would also support retaining the current requirements in shallow waters where conflicts with other users are more probable.</p> <p>Fisheries Inshore New Zealand agrees with the proposal. They note that it aligns with the set net Mitigation Standards, which encourages fishers to shoot their nets as quickly as practicably possible, but also to ensure their net is weighted appropriately to avoid floating on the surface. They also suggest that it could assist in minimising the risk of entanglement to seabirds if the net is over-floated.</p> <p><i>Options and analysis</i></p> <p>Regarding Ted Howard's suggestion for retaining the current requirements in shallow waters, FNZ notes that the existing requirements do not actually apply to very shallow waters. As the proposal in the discussion document did not involve extending existing requirements, his suggestion is not within the scope of the current proposal.</p> <p>FNZ concurs with Fisheries Inshore New Zealand's point that the proposal aligns with the set net Mitigation Standards.</p> <p>Submissions did not identify clear rationale to support the current requirement. On this basis, FNZ considers the current requirement to be redundant.</p>	<p>a) Note that this proposal relates to an existing requirement for commercial set net fishers to attach additional surface floats to their nets in specific circumstances.</p> <p>b) Note that there is no clear rationale for the existing requirement.</p> <p>c) Agree that the existing requirement, which is set out in regulation 65(8) of the Fisheries (Commercial Fishing) Regulations 2001, is revoked.</p> <p>d) Note that existing requirements for commercial set net fishers to attach surface floats at each end will remain unchanged.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>NOTED</p>

7.2 DEFINE TERMS USED IN TRAWL NET AND DANISH SEINE NET RESTRICTIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to some of the terms used in regulations that set out design requirements for trawl nets and Danish seine nets. Although the regulations refer to terms such as ‘liners’, ‘sleeves’, ‘flappers,’ and ‘method of strengthening’, none of those terms are defined.</p> <p><i>Proposal</i></p> <p>FNZ proposed that the relevant regulations were amended to include definitions of ‘liners’, ‘sleeves’, ‘flappers,’ and ‘method of strengthening’. Rationale for the proposal was that having a common understanding of these terms would assist stakeholders in knowing the limits of the modifications that can be made, in the case of trawl nets, without seeking approval under regulation 71A of the commercial fishing regulations.²</p> <p>To guide stakeholder feedback on this proposal, FNZ provided an initial description of what it understood each of these terms could mean (refer Appendix 2).</p> <p><i>Submissions</i></p> <p>Three submitters commented on this proposal. Ted Howard commented on trawling and Danish seining in general but did not express a view on the proposal itself. The SPCA agreed that definitions should be provided to improve clarity in regulations. They note that defining terms may facilitate innovation in trawl gear to improve animal welfare during capture. They further state that nets and gear should be designed to reduce injuries, and that softer materials and knotless net construction should be used in all nets.</p> <p>Fisheries Inshore New Zealand also supports the need for definition of the terms used in the regulations. They note that discussions with vessel operators generally support FNZ’s suggested definitions. However, they indicate that sleeves, liners, and flappers are not necessarily made of netting or mesh and that some operators refer to the piece of mesh or canvas placed under trawl floats to stop chafing as ‘sleeves’.</p> <p><i>Response</i></p> <p>Although there was only limited feedback from submitters, FNZ notes the general support for the proposal.</p> <p>FNZ thanks Fisheries Inshore New Zealand for their discussions with vessel operators on the suggested definitions of the terms used. The clarification that vessel operators generally support FNZ’s suggested definitions is helpful.</p>	<p>a) Note that this proposal relates to design requirements for trawl nets and Danish seine nets.</p> <p>b) Note that four of the terms used in those requirements are not defined.</p> <p>c) Note that the desired outcome of this proposal is that the terms ‘liners’, ‘sleeves’, ‘flappers’ and ‘method of strengthening’ are defined in regulation.</p> <p>d) Agree that the Fisheries (Commercial Fishing) Regulations 2001 are amended to give effect to the desired outcome.</p> <p>e) Agree that the suggested definitions set out in Appendix 2 are used as the basis for the regulatory amendment.</p>	<p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p>

² This regulation sets out a process where commercial fishers who want to use a new kind of trawl net can apply for approval to trial and use the gear. There is currently no equivalent process for fishers using Danish seine nets.

7.3 PROHIBIT USE OF 'J' HOOKS BY SURFACE LONGLINE FLEET	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to use of a specific type of hook in New Zealand's surface longline fleet and the increased number of sea turtles incidentally captured in surface longline fisheries. Research has indicated that the type of hook used by fishers can influence the capture rate of turtles, with a category of hook called 'J hooks' having a negative influence i.e. an increased capture rate compared with other hook types.³</p> <p><i>Proposal</i></p> <p>To address the capture rate of sea turtles, FNZ proposed that the use of J hooks be prohibited in New Zealand's commercial surface longline fisheries. The proposal would bring New Zealand in line with current sea turtle mitigation measures that other countries are using throughout the western and central Pacific Ocean.</p> <p>FNZ noted that the proposal would have limited impact on New Zealand fishers as most operators in the surface longline fleet already use a different category of hooks (termed 'circle' hooks) almost exclusively.</p> <p><i>Submissions</i></p> <p>Seven submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Dave Guccione • Society for the Prevention of Cruelty to Animals • Ferrymead Fishing Club • Suzan Maddock • Fisheries Inshore New Zealand • Ted Howard • Joint amateur submitters <p>All submissions supported the proposal. Fisheries Inshore New Zealand notes that the proposal is supported by surface longline fishers and that J hooks are not currently used by that fleet.</p> <p>The joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea) note that circle hooks are also better for the live release of fish such as marlin and southern bluefin tuna.</p> <p>Suzan Maddock and Ted Howard support any initiative to reduce harm to protected species while the SPCA notes that circle hooks can also reduce welfare harm to target species. The SPCA also feels that training on appropriate methods of hook removal by hand should be mandatory.</p> <p><i>Options and analysis</i></p> <p>FNZ notes the unanimous support for this proposal and acknowledges the point made by Fisheries Inshore New Zealand that J hooks are not currently used by New Zealand's surface longline fleet.</p>	<p>a) Note that this proposal is an initiative to reduce the capture rate of sea turtles in New Zealand's commercial surface longline fisheries.</p> <p>b) Note that the desired outcome of this proposal is that use of J hooks by commercial surface longline fishers operating in New Zealand waters is prohibited.</p> <p>c) Agree that the Fisheries (Commercial Fishing) Regulations 2001 are amended to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

³ A J hook is shaped as its name implies, with its point oriented parallel to the hook

8 Proposals relating to customary fishing regulations

8.1 AMENDMENTS TO AUTHORISATION PROVISIONS IN TE ARAWA LAKES REGULATIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the Te Arawa Lakes (Fisheries) Regulations 2006, which were developed following the Te Arawa Lakes Settlement Act 2006 coming into force. The regulations allow Te Arawa to manage the non-commercial fishing of certain indigenous species in the 14 lakes covered by the Te Arawa Deed of Settlement.</p> <p><i>Proposal</i></p> <p>Following a request from Te Arawa, FNZ proposed specific amendments be made to the regulations, relating primarily to aspects of the customary food gathering provisions in the regulations. The specific amendments are detailed in Appendix 3.</p> <p><i>Submissions</i></p> <p>One submitter commented directly on this proposal. Ted Howard states that he generally supports the proposal but notes that FNZ's proposal did not provide sufficient detail.</p> <p><i>Options and analysis</i></p> <p>FNZ does not agree with Ted Howard and is satisfied that the proposal provided sufficient detail for submitters to provide informed comment.</p> <p>No feedback was received indicating that the proposal should be withdrawn or amended.</p>	<p>a) Note that this proposal is consistent with the Crown's obligations to give effect to the Te Arawa Deed of Settlement.</p> <p>b) Note that the desired outcome of the proposal is that puka whakamana (authorisations for customary food gathering) can be issued for periods longer than 48 hours, and can be issued electronically.</p> <p>c) Agree that amendments are made to the Te Arawa Lakes (Fisheries) Regulations 2006 to give effect to the desired outcome.</p> <p>d) Agree that that the suggested amendments set out in Appendix 3 are used as the basis for the regulatory amendment.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p>

8.2 PROPOSAL RELATING TO BYLAWS MADE UNDER CUSTOMARY FISHERIES REGULATIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the offences and penalties regime that currently applies to mātaimai reserve bylaws and to other bylaws that are made under customary fisheries regulations. Two separate issues were addressed in the discussion document, however only one is addressed in this decision document (the other will be addressed in the subsequent decision document).</p> <p>The proposal addresses an inconsistency in the customary fisheries regulations that means compliance action can only be taken in relation to an alleged offender <i>taking</i> fish, aquatic life, or seaweed. In contrast, offences in amateur fishing regulations relate to <i>taking</i> or <i>possessing</i> fish, aquatic life, or seaweed in contravention of regulations.</p> <p>The difference means that an alleged offender in, for example, a mātaimai reserve, would have to be observed <i>taking</i> fish, aquatic life, or seaweed contrary to a mātaimai reserve bylaw notice for a fishery officer to take compliance action.</p> <p><i>Proposal</i></p> <p>This proposal was to amend the four sets of customary fisheries regulations such that bylaws were able to incorporate <i>possession</i> of fish, aquatic life or seaweed as well as <i>taking</i>.</p> <p>This proposal addressed the inconsistency in compliance frameworks that apply inside and outside places of importance such as mātaimai reserves. It recognises the special relationship between tangata whenua and places of importance, consistent with the 1992 Fisheries Deed of Settlement.</p> <p><i>Submissions</i></p> <p>Eight submissions were received on the two separate issues that this proposal covered. Submissions were received from:</p> <ul style="list-style-type: none"> • Dave Guccione • Ferrymead Fishing Club • Fisheries Inshore New Zealand • New Zealand Rock Lobster Industry Council • Ngati Kuta ki Te Rawhiti • Pāua / Kina Industry Council • Ted Howard • Te Rūnanga o Ngāi Tahu <p>Additionally, specific feedback from the Te Hiku and Mid-North Iwi Fisheries Forums was provided to FNZ.</p> <p>Ngāi Tahu strongly supports the ability for mātaimai bylaws to address the <i>possession</i> of fish, aquatic life and seaweed as well as <i>taking</i>. They note that this is a Ngāi Tahu Tangata Tiaki proposal that Te Rūnanga has been advancing since 2013. They view the current situation as meaning the current mātaimai bylaws across their takiwā are open to abuse without consequence.</p> <p>In relation to this proposal, the submissions from fishing industry organisations (Fisheries Inshore New Zealand, New Zealand Rock Lobster Industry Council, and the Pāua / Kina Industry Councils) expressed concerns around how the issue of fish taken outside the areas to which a bylaw applies would be considered. For example, Fisheries Inshore New Zealand notes that such a regulation would imply that the transit through, or anchoring in a mātaimai, of a commercial fishing vessel with legally-caught fish on board would be an offence. If so, this could impact fishers operating in specific areas (such as Dunedin, Lyttelton, Kaikoura and Tauranga).</p> <p>The Ferrymead Fishing Club and Ted Howard both support the proposal for bylaws to be able to incorporate possession.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the concerns raised by fishing industry organisations regarding the unintended consequences associated with the proposal that bylaws made under customary fisheries regulations can incorporate possession of fish aquatic life and seaweed. However, FNZ can confirm that the proposal was not intended to have any impact on commercial fishers' ability to transit through areas such as mātaimai reserves with fish on board. Should this proposal proceed, FNZ will ensure that regulatory amendments are drafted such that there are no unintended consequences and no impact on commercial fishers' activities.</p>	<p>a) Note that this proposal relates to the following regulations:</p> <ol style="list-style-type: none"> i. Fisheries (Kaimoana Customary Fishing) Regulations 1988 ii. Fisheries (South Island Customary Fishing) Regulations 1999 iii. Waikato-Tainui (Waikato River Fisheries) Regulations 2011 iv. Fisheries (Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi) Regulations 2017 <p>b) Note that the desired outcome of this proposal is that:</p> <ol style="list-style-type: none"> i. Bylaws can be made under the regulations identified above that relate to the <i>possession</i> of fish, aquatic life or seaweed as well as the <i>taking</i> ii. The incorporation of <i>possession</i> into bylaws made under the relevant regulations does not impact the ability of commercial fishers to transit through any area that is subject to a bylaw <p>c) Agree that regulatory amendments are made to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

9 Amateur daily limit proposals

9.1 AMENDMENT TO AMATEUR DAILY LIMIT PROVISIONS FOR BLUE COD IN THE FIORDLAND (TE MOANA O ATAWHENUA) MARINE AREA	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the blue cod amateur daily limits that apply to the Fiordland (Te Moana o Atawhenua) Marine Area, including the internal waters of Fiordland (including Doubtful (Patea), Thompson, and Bradshaw Sounds).</p> <p>In July 2020, a review of amateur blue cod fishing regulations resulted in all relevant regulations being redrafted. An unintended consequence of that process was that the redrafted regulations provided for fishers to accumulate two daily limits of blue cod (except in the internal waters of Fiordland). Previously, however, no accumulation of blue cod daily limits was allowed anywhere in the Fiordland (Te Moana o Atawhenua) Marine Area.</p> <p><i>Proposal</i></p> <p>FNZ proposed that amendments were made to the Fisheries (Amateur Fishing) Regulations 2013 such that the provisions that applied to blue cod in the Fiordland (Te Moana o Atawhenua) Marine Area prior to 1 July 2020 were reinstated i.e. no accumulation of blue cod amateur daily limits.</p> <p>Rationale for the proposal was that the accumulation of two daily limits of blue cod was not consistent with the intention of retaining all existing provisions that applied to the Fiordland (Te Moana o Atawhenua) Marine Area.</p> <p><i>Submissions</i></p> <p>Four submissions commented on this proposal. The Fiordland Marine Guardians (the Guardians) is formally recognised as a governance group for the Fiordland Marine Area in the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005. The Guardians fully support the proposal and confirm that they had wanted all existing provisions to be retained during the lead-up to the July 2020 regulation changes. They consider it unfortunate that this intention was not given effect.</p> <p>Te Rūnanga o Ngāi Tahu supports the proposal, noting that it is a FNZ error that needs to be addressed.</p> <p>Ted Howard supports the proposal and made broader comments around messaging to the general public that daily limits are not a right and should not function as an expectation. Tomer Simhony also supports the proposal but did not elaborate further.</p> <p><i>Options and analysis</i></p> <p>FNZ notes the unanimous support for this proposal. Regarding Ted Howard's suggestion, FNZ notes that messaging on daily limits is outside the scope of the current proposal.</p>	<p>a) Note that the desired outcome of this proposal is that there is no ability for amateur fishers to accumulate daily limits of blue cod anywhere within in the Fiordland (Te Moana o Atawhenua) Marine Area.</p> <p>b) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 and the proposed recreational fishing controls notice to give effect to the desired outcome.</p>	<p>NOTED</p> <p>YES / NO</p>

9.2 REDUCING AMATEUR DAILY LIMIT FOR QUINNAT SALMON IN MARINE WATERS TO ONE FISH PER DAY	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal addresses the amateur daily limit for quinnat salmon taken in marine waters. While quinnat salmon is principally taken in fresh water, where it is managed by Fish and Game New Zealand, the species can be taken in marine waters.</p> <p>In recent years, Fish and Game councils in the South Island took measures to reduce the daily limit for salmon to one fish. Management action was taken in response to concerns about declining salmon numbers.</p> <p>Fish and Game New Zealand also requested that FNZ implement similar management measures and reduce the daily limit for quinnat salmon taken in marine waters to one.</p> <p><i>Proposal</i></p> <p>To give effect to Fish and Game New Zealand's request, FNZ proposed to amend amateur regulations such that a daily limit of one quinnat salmon applied nationwide. Rationale for the proposal was that all fishers need to act together to reduce the number of salmon that are caught and provide the best opportunity for salmon numbers to increase.</p> <p><i>Submissions</i></p> <p>Four submissions commented on this proposal. The New Zealand Fish & Game Council strongly supports the proposal. They note that they appreciate FNZ working with them on this issue and hope that the combination of measures to reduce harvest will result in a higher number of salmon spawning, resulting in increased runs in the future.</p> <p>Ted Howard also supports the proposal and suggests FNZ goes further and adopts the two fish per year limit recently adopted by Fish and Game councils. Tomer Simhony also supports the proposal but did not elaborate further.</p> <p>The joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea) do not support the proposal and wish to retain the existing daily limits for quinnat salmon. While they acknowledge that there is evidence of decline in the salmon fishery, they feel there needs to be more research into the causes of the salmon population decline and to verify if there is any validity and usefulness in changing daily bag limits.</p> <p><i>Options and analysis</i></p> <p>FNZ notes the general support for this proposal, particularly that from the New Zealand Fish & Game Council.</p> <p>Ted Howard's suggestion is acknowledged but seasonal limits are outside the scope of the current proposal. FNZ does not agree with the joint amateur submitters suggestion that the existing daily limits are retained pending more research. FNZ considers that it is appropriate to take proactive action to assist with management of the quinnat salmon fishery.</p>	<p>a) Note that the desired outcome of this proposal is that a daily limit of one quinnat salmon applies to all waters outside Fish and Game council jurisdiction.</p> <p>b) Agree that amendments are made to the proposed recreational fishing controls notice to give effect to the desired outcome.</p>	<p>NOTED</p> <p>YES / NO</p>

9.3 AMENDMENTS TO CHATHAM ISLANDS AMATEUR DAILY LIMIT PROVISIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the amateur daily limits that apply to finfish and some shellfish species in waters around the Chatham Islands (Wharekauri – Rēkohu). The existing limits were viewed by the local community as outdated and not matching the way that the community wanted their amateur fisheries managed.</p> <p>In 2021, the community developed the idea of undertaking a survey asking people to set out their preferences for what the daily limits should be, and whether the provision that provided for accumulating daily limits was appropriate.</p> <p>The survey of the local community was subsequently undertaken. For each species of finfish or shellfish currently subject to an amateur daily limit, Chatham Islanders were asked to set out what they thought the daily limit should be. The most frequent response from the survey was used as the basis for the proposal.</p> <p><i>Proposal</i></p> <p>FNZ's proposal was to amend the amateur daily limits applying to the Chatham Islands as shown in Appendix 1. The proposed amateur daily limit for each species corresponded to the most frequent response in the survey referred to above. For some species, no change was proposed.</p> <p>In accordance with the outcome of the survey referred to above, FNZ also proposed that there be no accumulation limits i.e. amateur fishers taking fish on the Chatham Islands would not be able to possess more than one daily limit of the relevant species. Rationale for this aspect of the proposal was that the Chatham Island community viewed this as a good way of discouraging the 'fish for the freezer' mentality of some visiting amateur fishers.</p> <p>Currently, most amateur daily limits that apply to Chatham Island waters also apply to the east coast of the South Island. A consequence of implementing the proposal would effectively result in two separate administrative areas to which the daily limits would apply.</p> <p><i>Submissions</i></p> <p>Ten submissions commented on the proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Chatham Islands Finfish Assn • Chatham Islands Quota Holding Ltd • Fisheries Inshore New Zealand • Joint amateur submitters • New Zealand Rock Lobster Industry Council • Pāua / Kina Industry Council • Specialty & Emerging Fisheries Group • Suzan Maddock • Ted Howard • Tomer Simhony <p>Additionally, in March 2022 you and the Undersecretary for Oceans and Fisheries received a letter from Paul Eagle, Member of Parliament for Rongotai (incl. the Chatham Islands – Wharekauri, Rēkohu) expressing support for the proposed changes to amateur daily limits.</p> <p>Many of the submissions acknowledged the community's aspirations to manage their local fisheries as a reason for supporting the proposal (Chatham Islands Quota Holding Ltd, Chatham Islands Finfish Association, New Zealand Rock Lobster Industry Council, Fisheries Inshore New Zealand, Pāua and Kina Industry Councils, and Suzan Maddock).</p> <p>The Pāua and Kina Industry Councils noted that the proposed daily limit of five pāua was consistent with pāua daily limits in other parts of the country that face strong amateur fishing pressure. It was also consistent with the PAU4 Fisheries Plan, which supports an active community management approach to the Chatham Islands' fisheries.</p> <p>The New Zealand Rock Lobster Industry Council (RLIC) and Chatham Islands Finfish Association both commented on the desirability for better information on amateur catch. RLIC would also like better information on the effectiveness of the current daily limits in constraining amateur catch.</p> <p>Suzan Maddock thinks that it is important to protect the coastal fisheries for the local people and notes the Chatham Islanders' reliance on seafood as a food source. Tomer Simhony and the Specialty and Emerging Fisheries Group support the proposal but did not elaborate further.</p> <p>The only submission that did not support the proposal was from the joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea). The submission outlines a number of concerns with the proposal. These include:</p>	<p>a) Note that the desired outcome of this proposal is that the amateur daily limits that apply to specific finfish and shellfish species in waters around the Chatham Islands are adjusted as listed in Appendix 1, and that accumulation limit provisions do not apply for any species taken in waters around the Chatham Islands.</p> <p>b) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 and the proposed recreational fishing controls notice to give effect to the desired outcome.</p> <p>c) Note that a consequence of giving effect to the desired outcome is the creation of two separate administrative areas; one for waters around the Chatham Islands and another for the east coast of the South Island.</p>	<p>NOTED</p> <p>YES / NO</p> <p>NOTED</p>

<ul style="list-style-type: none"> •The fact that FNZ had not included the survey itself in the consultation document and had not listed the number of responses or range of answers. •It is unfair for bag limits to be cut so hastily only for seafood to be monopolised by the commercial sector. •They find it strange for a proposal to adjust bag limits to be based on a survey of stakeholders and then letting those answers be the basis of management intervention. •Their view that tourist numbers have not been high in recent years, particularly over the last two years (COVID restrictions). <p>120.The submission also makes a series of recommendations including asking that you reject the proposed changes until there is wider community engagement, and that FNZ contract a new amateur harvest survey for the Chatham Islands.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the majority of submissions supported the proposal and the fact that submitters can identify with the aspirations of the Chatham Islands community to manage their local fisheries. We note that this group of submissions did not suggest any changes to the proposed daily limits set out in the discussion document.</p> <p>FNZ notes the lack of support for the proposal by the joint amateur submitters. However, FNZ does not agree with many of the concerns and issues raised in this submission. We note that community aspirations to manage local fisheries form the basis of management in areas such as Fiordland (Te Moana o Atawhenua) and Kaikoura.</p> <p>FNZ also considers that wider community engagement is unnecessary as the Chatham Islands community developed the proposal and public consultation has been undertaken. FNZ does not agree that tourist numbers have not been high in recent years; it is well known that the Chatham Islands was a popular tourist destination while New Zealand's borders were closed.</p> <p>You recently made decisions on amateur daily limits for finfish. You agreed to include all finfish species, including those with additional individual species limits, in a combined daily limit. You also agreed to retain the existing daily limit of 30 finfish per person per day for the South-East fishery management area, which includes the Chatham Islands. The proposal in this decision document only relates to daily limits for individual species; no changes were proposed to the combined daily limit.</p>		
--	--	--

10 Administrative regulatory proposals

10.1 AMENDMENT TO DEFINITION OF COMMERCIAL FISHING TRIP	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the definition of trip, as it applies to commercial fishers and is defined in the Fisheries (Reporting) Regulations 2017 (reporting regulations). It addresses issues that have been identified where operational practices are inconsistent with the existing definition.</p> <p><i>Proposal – fishers using a vessel</i></p> <p>Where a vessel is used, FNZ proposed that the definition of trip was amended to clarify that a trip ended when a vessel returns to a place where it is moored, berthed, or launched regardless of whether fish are on board at the time, and, if fish are on board, regardless of when removal of fish from the vessel is undertaken.</p> <p>FNZ recognised that as larger vessels sometimes head to port mid-trip to pick up replacement crew, parts, or provisions, or to undertake repairs, a revised definition would need to ensure that it did not trigger the requirement for end of trip reporting when, from the fisher’s point of view, the trip has not ended.</p> <p><i>Proposal – fishers not using a vessel</i></p> <p>For fishers not using a vessel, the proposal was that the definition of trip was amended such that a trip ended a) when the permit holder ends fishing, regardless of whether they land fish, or b) when all fish from a day’s fishing have been placed in a holding container in the water. The definition of ‘landing’ in regulation 4 of the reporting regulations would be reviewed concurrently to ensure it is not inconsistent with the definition of trip.</p> <p><i>Submissions received</i></p> <p>Submissions that addressed this issue were received from:</p> <ul style="list-style-type: none"> • Deepwater Group Ltd • Ferrymead Fishing Club • FishServe • Fisheries Inshore New Zealand • New Zealand Rock Lobster Industry Council • Rebecca Alexander • Ted Howard <p>While acknowledging the need to review the existing definition, most submissions outlined additional points for consideration prior to any change. Ted Howard outlines further scenarios that were not identified in then discussion document. He suggests any additional reporting (and recordkeeping) resulting from an amended definition may be unreasonable and impractical in some contexts.</p> <p>Rebecca Alexander raises several points including the fact that consequential changes to electronic logbook software may be required if the definition of trip was amended. She also notes that a change to the definition of trip could affect bottom longline fishers, in addition to the potting and set net fishers identified in the discussion document.</p> <p>FishServe suggests further consultation may be needed to ensure the fishing practices of all permit holders are accommodated. From the perspective of a logbook provider, FishServe supports the proposal.</p> <p>Fisheries Inshore New Zealand is concerned about the implications for any science or management data that incorporates the number of trips. Deepwater Group agrees with this concern.</p> <p>The New Zealand Rock Lobster Industry Council’s (RLIC) primary concerns are around the practical ability of permit holders to comply with reporting requirements concerning the start and end of a trip. It relates to fishers’ ability to send trip start and trip end reports where cellular coverage is insufficient or where a satellite network connection is unavailable. RLIC notes it has previously raised this issue with FNZ.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the concerns raised by RLIC but notes that amending requirements relating to completion and provision of trip start and trip end reports is outside the scope of this minor and technical regulatory amendment process.</p>	<p>a) Note that the desired outcome of the proposal is a definition of ‘trip’ that better reflects operational practices.</p> <p>b) Agree that regulation 3 of the Fisheries (Reporting) Regulations 2017 is amended to give effect to the desired outcome.</p> <p>c) Note that FNZ will work with stakeholders to draft an amended definition.</p>	<p>NOTED</p> <p>YES / NO</p> <p>NOTED</p>

<p>Regarding the point raised by Fisheries Inshore New Zealand and Deepwater Group around implications for any science or management data, FNZ is not aware of any data sets for which the proposal will have specific implications. However, we acknowledge that to mitigate any risk of unforeseen consequences it is desirable to work with stakeholders to draft an amended definition that incorporates relevant perspectives.</p> <p>Fisheries also agrees with Rebecca Alexander's points that consequential changes to electronic logbook software may be required and that amending the definition of trip could also affect bottom longline fishers. If required, such changes would be addressed after an amendment to the definition of trip had been made.</p> <p>FNZ notes the broad level of support for reviewing the existing definition and that further engagement with stakeholders is necessary to ensure an amended definition does not have any unforeseen consequences.</p>		
---	--	--

10.2 AMENDMENTS TO LICENSED FISH RECEIVER REGULATIONS	Recommendations	Decision
<p><i>Background</i></p> <p>FNZ identified three issues with the Fisheries (Licensed Fish Receivers) Regulations 1997 (LFR regulations) and proposed amendments to the LFR regulations to address the issues. Only one of those issues is addressed in this decision document (the others will be addressed in the subsequent decision document).</p> <p><i>Proposal</i></p> <p>This proposal relates to the definition of 'premises' in the LFR regulations.</p> <p>FNZ proposed that the definition of 'premises', as set out in regulation 2, was amended as outlined below (the italicised text).</p> <p>Premises means any premises or location at which <i>either of the following apply-</i></p> <p>(a) Fish is received from commercial fishers or processed or distributed; <i>or</i></p> <p>(b) Any prescribed source document or other record required by the Fisheries (Recordkeeping) Regulations 1990 is kept or required to be kept by the licensed fish receiver.</p> <p>Rationale for clarifying the definition of 'premises' is that any ambiguity with the existing definition would be removed.</p> <p><i>Submissions received</i></p> <p>Seven submissions commented on one or more of the issues relating to the LFR regulations. Submissions were received from:</p> <ul style="list-style-type: none"> • Deepwater Group Ltd • New Zealand Rock Lobster Industry Council • Ferrymead Fishing Club • Ted Howard • Fisheries Inshore New Zealand • Tomer Simhony • NZ Law Society <p>The Ferrymead Fishing Club and Tomer Simhony support all aspects of the proposal but did not provide rationale around any of the individual issues.</p> <p>Ted Howard supports the proposed amendment but queries whether it is possible for an LFR to operate entirely from a truck.</p> <p>While Fisheries Inshore New Zealand (FINZ) understands and supports the need for clarity in definitions, they raise several questions regarding LFR premises, including whether unmanned receiving depots should be an LFR premise in their own right. FINZ also asks whether an LFR's retail outlet would need to be regarded as an LFR premise and what documentation premises would need to provide on their operations.</p> <p>Deepwater Group Ltd (DWG) notes that the proposed amendment would appear to create additional problems, including recordkeeping facilities that would now be an LFR premise. DWG offered conditional support for this proposal, insofar that it did not result in absurd outcomes.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges submitters' concerns about any unintended consequences associated with amending the definition of premises. However, we are satisfied that the proposal would not create any additional obligations for LFRs under the Fisheries (Recordkeeping) Regulations 1990.</p>	<p>a) Note that this issue involved a minor change to the definition of premises in regulation 2 of the Fisheries (Licensed Fish Receivers) Regulations 1997.</p> <p>b) Note that the desired outcome is an amended definition that is not ambiguous and that does not create any additional obligations for holders of licences issued under the Fisheries (Licensed Fish Receivers) Regulations 1997.</p> <p>c) Agree that regulation 2 of the Fisheries (Licensed Fish Receivers) Regulations 1997 is amended to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.3 SURFACE FLOAT REQUIREMENTS FOR COMMERCIAL FISHERS USING POTS ATTACHED TO A BACKBONE	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to commercial fishers' requirements to use surface buoys or floats when using potting methods. In short, current requirements are that each pot must have its own surface buoy or float. While this makes sense when individual pots are deployed, it is not practical when multiple points are deployed on a backbone system.</p> <p><i>Proposal</i></p> <p>FNZ proposed an amendment to clarify that the marking requirements for pots attached to a backbone are the same as those for similar gear such as bottom longlines and set nets i.e. that there must be a surface buoy or float at each end of the backbone. No amendments to the existing marking requirements for individual pots were proposed.</p> <p>Rationale for the proposal was that it would remove what could be an onerous and impractical obligation for commercial fishers using pots on a backbone to deploy a surface buoy or float on each pot.</p> <p><i>Submissions</i></p> <p>Three submissions commented on this proposal. Fisheries Inshore New Zealand and the New Zealand Rock Lobster Industry Council both support the proposal, noting the desirability of consistent requirements for similar types of fishing gear.</p> <p>Ted Howard generally supports the proposal but raises concerns about the use of long sets of gear in areas of high amateur use and the potential for conflict between different users.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges Ted Howard's point regarding conflict between different users but notes that the proposal did not relate to the issue identified by Mr Howard.</p> <p>FNZ acknowledges the unanimous support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that the desired outcome of this proposal is that the marking requirements for pots attached to a backbone are the same as those for similar types of commercial fishing gear such as bottom longlines and set nets.</p> <p>b) Note that the marking requirements for fishing gear such as bottom longlines and set nets is that there must be a surface buoy or float at each end of the gear.</p> <p>c) Note that the existing requirements for each pot itself to be marked with the registration number of the vessel from which it is set will remain unchanged.</p> <p>d) Agree that amendments are made to the Fisheries (Commercial Fishing) Regulations 2001 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.4 CLARIFICATION OF MINIMUM SET NET MESH SIZE REQUIREMENTS THAT APPLY TO COMMERCIAL FISHERS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the minimum mesh size requirements applying to commercial set net fishers. The wording used in the current regulatory framework for commercial set net fishing does not include an explicit link between fishing activity, the species of fish listed in the regulations, and the minimum set net mesh size outlined in regulations for that species.</p> <p>This has resulted in ambiguity around what fishers' obligations are when they take a species as non-target catch when using a set net with a smaller mesh than is specified for that species.</p> <p>FNZ used the following example in the discussion document. In the Challenger fishery management area, the minimum set net mesh size listed for blue moki is 114 mm. For butterfish, the minimum set net mesh size is smaller (108 mm). If a commercial fisher takes a blue moki in a set net that is being used to target butterfish, there are varying interpretations of the fisher's obligations.</p> <p><i>Proposal</i></p> <p>FNZ's proposal was to clarify that the minimum set net mesh size for a species applied only when that species was recorded as the target species. Rationale for the proposal was that an explicit link between a species of fish and the minimum set net mesh size when targeting that species would remove ambiguity and provide certainty around use of set nets for all parties.</p> <p><i>Submissions</i></p> <p>Two submissions commented on this proposal. While Fisheries Inshore New Zealand supports the proposal for the sake of simplicity, they recommend that FNZ undertake a more comprehensive review of the current mesh size provisions, clarifying their purpose and the basis for determining appropriate sizes if they are necessary.</p> <p>Ted Howard generally supports the proposed change but raises broadly similar concerns to those of Fisheries Inshore New Zealand.</p> <p><i>Options and analysis</i></p> <p>FNZ notes the broader issues raised by submitters. However, the proposal was not intended to be a review of set net mesh size provisions and that such a review is outside the scope of the current proposal.</p> <p>FNZ acknowledges the support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to wording in commercial fishing regulations around minimum set net mesh sizes for species of fish listed in the regulations.</p> <p>b) Note that the desired outcome of the proposal is that the minimum set net mesh size specified for a species applies only when that species is recorded by a commercial fishers as the target species.</p> <p>c) Note that the proposal does not extend to any other aspects that relate to the use of set nets by commercial fishers.</p> <p>d) Agree that amendments are made to the following regulations to give effect to the desired outcome:</p> <ul style="list-style-type: none"> i. Fisheries (Commercial Fishing) Regulations 2001 ii. Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 iii. Fisheries (Central Area Commercial Fishing) Regulations 1986 iv. Fisheries (Challenger Area Commercial Fishing) Regulations 1986 v. Fisheries (South-East Area Commercial Fishing) Regulations 1986 vi. Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 	<p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.5 CLARIFICATION AROUND USE OF POTS TO TAKE BLUE COD OR OCTOPUS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the regulated design requirements for pots used by commercial fishers to take blue cod and octopus. The current wording in the relevant regulations refers to <i>'pots used for taking'</i>; there is no reference to target species.</p> <p>The absence of a reference to target species means that commercial fishers' obligations regarding non-target catch are unclear. For example, if a fisher using rock lobster pots catches blue cod or octopus, they could be viewed as potentially being in breach of the regulations as rock lobster pots have different design requirements to blue cod and octopus pots.</p> <p><i>Proposal</i></p> <p>FNZ's proposal was that the wording in the regulations be amended to clarify that the design requirements for blue cod and octopus pots only apply when those species are targeted.</p> <p>Rationale for the proposal was to remove any ambiguity in the regulations and, in doing so, clarify fishers' obligations.</p> <p><i>Submissions</i></p> <p>Two submissions commented on this proposal. Fisheries Inshore New Zealand agrees with the proposed change. Ted Howard supports the use of appropriate restrictions on pots for targeting species. He also suggests that anyone reporting significant catch of non-target species would need to explain why.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to wording in commercial fishing regulations around design requirements for pots used to take blue cod and octopus.</p> <p>b) Note that the desired outcome of this proposal is that the design requirements for pots used to take blue cod and octopus apply only when those species are targeted.</p> <p>c) Agree that amendments are made to the Fisheries (Commercial Fishing) Regulations 2001 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.6 AMEND LABELLING REQUIREMENTS FOR AMATEUR FISHERS TAKING ROCK LOBSTER IN CRA 5	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to a regulatory amendment that came into effect on 1 July 2020 following a review of management measures that applied to the CRA 5 (Canterbury / Marlborough) amateur rock lobster fishery. Outcomes of the review included recommendations for:</p> <ul style="list-style-type: none"> • An accumulation limit of three daily limits or 18 rock lobsters; and • 'Bag and tag' conditions requiring a single day's catch to be stored in a clearly labelled bag or container. <p>The recommendations were intended to apply to all amateur fishers in CRA 5, which extends from Farewell Spit in the north to the Waitaki River in the south. However, the 'bag and tag' component of the recommendations were drafted such that they only applied to 'spiny rock lobsters held on board or landed from a vessel'. They did not apply to fishers not using a vessel such as a diver who dives from the shore.</p> <p><i>Proposal</i></p> <p>FNZ proposed that the 'bag and tag' requirements be amended such that they applied to all amateur fishers, regardless of whether the fisher landed the rock lobster from a vessel or not.</p> <p>Rationale for the proposal was that excluding land-based amateur rock lobster fishers from the 'bag and tag' requirements was not intentional and was not consistent with the Minister's decision.</p> <p><i>Submissions</i></p> <p>Five submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Ferrymead Fishing Club • Joint amateur submitters • National Rock Lobster Management Group • New Zealand Rock Lobster Industry Council • Ted Howard <p>All submissions support the proposal. The National Rock Lobster Management Group (NRLMG) notes that the proposal is consistent with measures introduced in the CRA 5 fishery in July 2020 as a tool to reduce opportunistic illegal take in this fishery. It continues to support the use of the measures in CRA 5.</p> <p>The New Zealand Rock Lobster Industry Council recommends that FNZ undertake further work with the NRLMG in establishing processes to provide stakeholders with quantitative and reliable information regarding the estimates of non-commercial catch and the effectiveness of adjustments to corresponding output controls.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to conditions that apply to amateur fishers in the CRA 5 (Canterbury / Marlborough) rock lobster fishery requiring that they store a single day's catch in a clearly labelled bag or container if they wish to accumulate more than one daily bag limit.</p> <p>b) Note that the desired outcome of the proposal is that the labelling requirements apply to all amateur fishers, not just those who use a boat.</p> <p>c) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.7 CLARIFY DEFINITION OF 'WIDTH OF ARM OF THE SEA' IN COMMERCIAL REGULATIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to wording in commercial fishing regulations that sets out restrictions on the use of nets in specific water bodies. One of the restrictions is that nets 'must not extend more than one-quarter of the width of an arm of the sea, including an estuary, inlet, bay, or sound'.</p> <p>The regulation also prescribes how 'width of an arm of the sea' is to be calculated. However, the current wording is not considered sufficiently prescriptive to provide the certainty required for enforcement of the regulations. FNZ considers the equivalent wording in the amateur regulations around what 'width of any arm of the sea' means is clearer than the corresponding wording in the commercial regulations.</p> <p><i>Proposal</i></p> <p>FNZ's proposal was to replace most of the current wording in the commercial regulations prescribing how 'width of an arm of the sea' is to be calculated with the equivalent wording used in the amateur regulations. The reference in the commercial regulations to <i>or a wing, leader, or other item attached to the net</i>, which is not in the amateur regulations, would, however, be retained.</p> <p>Rationale for the proposal was that a clearer definition would make it more straightforward for fishers to ensure that their fishing activity was compliant with regulatory requirements.</p> <p><i>Submissions</i></p> <p>Five submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Eel Enhancement Co. Ltd • Fisheries Inshore New Zealand • South Island Eel Industry Association • Specialty & Emerging Fisheries Group • Ted Howard <p>Fisheries Inshore New Zealand supports the proposed amendment to align the two sets of regulations but notes that the amendment will not necessarily resolve issues or provide clarity and certainty to fishers in respect of setting nets.</p> <p>The Eel Enhancement Co. Ltd, South Island Eel Industry Association, and Specialty & Emerging Fisheries Group do not express a view on the proposal that was in the discussion document but request that fyke-netting be exempted from the 'one-quarter distance' requirements. These three submissions also make a further request for the requirement for buoys on both end of a fyke net to be removed.</p> <p>Ted Howard also does not express a view and notes that the proposed amendment does not actually solve what is a very complex issue.</p> <p><i>Options and analysis</i></p> <p>While Fisheries Inshore New Zealand expresses a view that the proposed amendment would not necessarily resolve issues or provide clarity, the submission does not then go on to say how they think those issues could be addressed.</p> <p>FNZ acknowledges Ted Howard's view that the proposal relates to a complex issue. However, FNZ is confident that the proposal will provide some additional clarity around this issue.</p> <p>The issue around the 'one-quarter distance' rule that was raised in the Eel Enhancement Co. Ltd, South Island Eel Industry Association, and Specialty & Emerging Fisheries Group submissions was not actually part of the initial proposal. The proposal in the discussion document related to the wording in regulations 60(2) and 60(4) of the Fisheries (Commercial Fishing) Regulations 2013 whereas the issue raised in the three submissions relates to regulation 60(1), which states that:</p> <p style="padding-left: 40px;"><i>Commercial fishers must not use or set nets that, either by themselves or together with, or in conjunction with, another net, wing, leader, or other item attached to the net, extend more than one-quarter of the way across the width of a channel, river, or stream.</i></p> <p>The concerns that the submissions have raised relate primarily to eel fishing, which uses fyke nets to take eels. The Eel Enhancement Co. Ltd submission describes fyke nets as typically being around 2.5 m in length and 0.75 m wide. The submission also states that most eel fishing takes place in relatively narrow rivers, streams and drains. In summary, the submitters consider that as regulation 60(1) does not specifically exclude the use of fykes sets, any eel fishing in water bodies less than 10 m wide would be illegal. If enforced, this would have the effect of making most eel quota unable to be caught.</p>	<p>a) Note that this proposal relates to how 'the width of an arm of the sea, including an estuary, inlet, bay, or sound' is prescribed in commercial fishing regulations.</p> <p>b) Note that the desired outcome of the proposal is that the wording in regulation 60(4) of the Fisheries (Commercial Fishing) Regulations 2001 is replaced with the equivalent wording in regulation 37(4) of the Fisheries (Amateur Fishing) Regulations 2013, which is considered clearer.</p> <p>c) Agree that the Fisheries (Commercial Fishing) Regulations 2001 are amended to give effect to the desired outcome.</p> <p>d) Note that an additional issue was raised in submissions around whether fyke-netting for eels is subject to regulations restricting commercial fishers from using nets that extend more than one-quarter of the width of a channel, river, or stream.</p> <p>e) Note that FNZ is undertaking further analysis on this issue and will provide you with further advice, if required.</p> <p>f) Note that a further issue raised in submissions was around whether commercial fishers using fyke nets were required to attached surface floats to both ends of a fyke net.</p> <p>g) Note that there is no practical requirement for surface floats to be attached to both ends of a fyke net.</p> <p>h) Agree that the Fisheries (Commercial Fishing) Regulations 2001 are amended to clarify that only a single surface float is required to be attached to each fyke net.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

The Eel Enhancement Co. Ltd also notes that fyke nets have escape vents, which are effective at allowing sub-MLS (<200 g) and juvenile eels (<300 g) to escape. They consider that the 'one-quarter distance' rule was never intended to apply to fyke-netting when it was introduced around 30 years ago.

FNZ acknowledges the issue identified in the three submissions around the 'one-quarter distance' rule for channels, rivers and streams and whether it was intended to apply to fyke-netting. We also agree that the relevant regulations have been in place for several decades (since at least when the Fisheries (Commercial Fishing) Regulations 1986 were published). For this reason, it is unclear whether the original intent of the regulations was to encompass fyke-netting or not.

FNZ will undertake further analysis on this issue, and, if required, provide you with further advice.

The other issue raised in these three submissions was also not specifically related to this proposal, and was around the use of surface floats. The submissions requested that the current requirement for buoys or surface floats on both ends of a fyke net to be removed.

This issue relates to the 'marking of fishing gear' requirements set out in the Fisheries (Commercial Fishing) Regulations 2001. Regulation 55 of these regulations applies specifically to fyke nets and requires that:

Commercial fishers must not use for fishing, or have on board a fishing vessel, fyke nets unless surface floats are securely attached that are clearly, permanently, and legibly marked with the registration number of the vessel from which it is set or transported

Additionally, regulation 54(1) of these regulations, which applies to longlines, static fishing gear, and set nets, can also be interpreted as applying to fyke nets, which are a type of static fishing gear. This regulation requires that:

Commercial fishers must not use for fishing, or have on board a fishing vessel, longlines, set nets, or other static fishing gear without surface floats at each end

FNZ agrees these regulations are unclear. Regulation 54(1) should not apply to fyke nets, and regulation 55 does not say how many surface floats must be securely attached. Given that fykes nets are only a few metres long, there is no practical requirement for surface floats to be deployed at both ends. We agree that a single surface float per fyke net is the likely intent of the regulations. We also note that the requirements for amateur fishers is that only a single surface float is required to be attached to a fyke net.

--	--

10.8 REVOKE REDUNDANT REGULATION RELATING TO APPROVAL OF TRAWL NETS	Recommendations	Decision
<p><i>Background</i></p> <p>In 2017, Cabinet agreed to develop regulations that would enable fishers to trial and use innovative trawling technologies. Cabinet's decisions were implemented via amendments to the Fisheries (Commercial Fishing) Regulations 2001 (regulations 71A and 71B).⁴ The regulations came into force on 1 October 2017.</p> <p>These regulations have subsequently been used to approve the use of Modular Harvest System trawl nets in specific deepwater and inshore fisheries.⁵</p> <p>The regulations contain two separate provisions that relate to failure to comply with terms and conditions. Regulation 71A(6) requires that:</p> <p><i>'a person who uses a trawl net that has been approved under this regulation must comply with the terms and conditions of its approval (as varied from time to time).'</i></p> <p>Additionally, regulation 71A(7) states that:</p> <p><i>'If a person fails to comply with the terms and conditions of an approval, the approval ceases to have effect in respect of that person.'</i></p> <p><i>Issue</i></p> <p>This proposal relates to fact that the regulations included two separate provisions relating to failure to comply with terms and conditions of an approval.</p> <p>Having to apply the two separate provisions has created issues for MPI. Issues are primarily around one of the regulations (71A(7)) where there is no detail around implementation and operation of this provision. Issues include:</p> <ul style="list-style-type: none"> • The regulation gives no further detail as to how MPI is to implement it. • A minor breach has the same outcome as a serious breach. • The regulation appears to have the effect that a person must immediately cease using, and never again use, the approved gear. <p><i>Proposal</i></p> <p>FNZ proposed that the more administratively-difficult regulation (71A(7)) be revoked due to it being unnecessary. The ability to enforce compliance with the terms and conditions of any approval would be adequately achieved with the remaining regulation (71A(6)).</p> <p><i>Submissions</i></p> <p>The four submitters that commented on this proposal were:</p> <ul style="list-style-type: none"> • Deepwater Group Ltd • Precision Seafood Harvesting • Fisheries Inshore New Zealand • Ted Howard <p>All four submissions support the proposal. Precision Seafood Harvesting reiterated that the existing provisions add unnecessary complication and administrative burden. Fisheries Inshore New Zealand and Deepwater Group Ltd both note that use of the VADE process is a better way of assisting fishers to comply with the terms and conditions of any approval.</p> <p>Ted Howard notes that the regulation that FNZ proposed to revoke had implications that were far too harsh.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the unanimous support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to the fact that there are two separate regulations that relate to failure to comply with terms and conditions of an approval to use innovative trawling technologies, one of which is administratively difficult and unnecessary.</p> <p>b) Agree that regulation 71A(7) of the Fisheries (Commercial Fishing) Regulations 2001 be revoked.</p> <p>c) Note that the ability to enforce compliance with the terms and conditions of any approval to use innovative trawling technologies would be adequately achieved with the remaining regulation.</p>	<p>NOTED</p> <p>YES / NO</p> <p>NOTED</p>

⁴ More information on enabling innovative trawl technology is available [here](#).

⁵ The deepwater fisheries approval is available [here](#) and the North Island inshore fisheries approval is available [here](#).

10.9 AMEND ASPECTS OF SHARK FIN MANAGEMENT PROVISIONS	Recommendations	Decision
<p><i>Background</i></p> <p>Shark finning, defined as the removal of fins and discarding the body of a shark at sea, has been banned in New Zealand since 2014. Fishers are, however, allowed to land shark fins, subject to species-specific requirements.</p> <p>This proposal relates to one aspect of the provisions implemented in 2014 that allowed fishers to bring back shark fins, if they wished to do so; the ‘fins artificially attached’ option. Currently, the fins artificially attached option only applies to one species (blue shark), and is set out in commercial fishing regulations. The decision for making blue shark subject to the fins artificially attached approach was as a means of allowing for some utilisation of this species.</p> <p><i>Proposal</i></p> <p>FNZ’s proposal was to amend the legislative framework for the fins artificially attached approach. Rather than regulations setting out which species are subject to the fins artificially attached requirement, the regulations would instead provide for the chief executive of MPI to issue circulars specifying the species to which fins artificially attached approach applies.</p> <p>Rationale for the proposal was that it would provide for more responsive and adaptive management of the technical provisions relating to shark fins. Future amendments could be made to this aspect of the shark fin management provisions without the need to seek Cabinet approval.</p> <p>Additionally, the proposal would align the fins artificially attached approach with the ‘ratio’ approach, where the species subject to this approach, the fin to greenweight ratio and the primary fins associated with each species can be set via a circular.⁶</p> <p><i>Submissions</i></p> <p>The four submitters that commented on this proposal were:</p> <ul style="list-style-type: none"> • Deepwater Group Ltd • Society for the Prevention of Cruelty to Animals • Fisheries Inshore New Zealand • Ted Howard <p>Deepwater Group Ltd and Fisheries Inshore New Zealand both support the proposal noting the management benefits. Deepwater Group Ltd also notes that any changes to the provisions, such as the species subject to the fins artificially attached approach, would still be subject to the standard consultation requirement.</p> <p>Ted Howard states that he generally supports the use of flexible approaches provided that they are used generally within the sort of framework outlined in the discussion document. He also notes his ongoing support for the ban on shark finning.</p> <p>The Society for the Prevention of Cruelty to Animals (SPCA) does not support the proposal. Their view is that where sharks are caught, they should be humanely killed and brought to shore whole, with their fins naturally attached. The SPCA is also concerned with the current transparency and reliability of fisheries reporting and the low level of on-board observer coverage.</p> <p><i>Options and analysis</i></p> <p>Regarding the submission by the SPCA, FNZ notes that requirements for sharks to be humanely killed already exist under animal welfare legislation. The fins naturally attached approach referred to by the SPCA currently applies only to spiny dogfish and all non-QMS shark species. Amending any of the species-specific shark fin management provisions was outside the scope of the proposal.</p> <p>FNZ acknowledges the submissions in support of this proposal and notes that those submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to the legislative framework around one of the options (fins artificially attached) that enables commercial fishers to retain shark fins.</p> <p>b) Note that the desired outcome of this proposal is that the chief executive of MPI is able to issue circulars specifying the species of shark to which fins artificially attached approach applies.</p> <p>c) Agree that amendments are made to the Fisheries (Commercial Fishing) Regulations 2001 to give effect to the desired outcome.</p> <p>d) Note that this proposal would not result in any changes to the ongoing ban on shark finning (the removal of fins and discarding the body of a shark at sea).</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p> <p>NOTED</p>

⁶ The “ratio” approach allows fishers to land fins separately from the remainder of the shark in accordance with a gazetted ratio

10.10 REVOKE SOUTH TASMAN RISE ORANGE ROUGHY REGULATIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to regulations that were established in 2000 to control the activity of New Zealand fishing vessels fishing, primarily for orange roughy, in an area of the High Seas called the South Tasman Rise.⁷</p> <p><i>Proposal</i></p> <p>FNZ's proposal was to revoke the Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000, as they are now entirely redundant.</p> <p>The South Pacific Regional Fisheries Management Organisation (SPRFMO), which was established in 2012, is now responsible for the management of fishing activity by New Zealand vessels in the South Pacific, including in the South Tasman Rise.</p> <p>Bilateral discussions between New Zealand and Australia confirmed that the South Tasman Rise regulations were now redundant due to the establishment of SPRFMO and the use of conditions on High Seas Fishing Permits to effect conservation and management measures.</p> <p><i>Submissions</i></p> <p>Two submissions commented on this proposal. Ted Howard has no issue with revoking regulations that are actually redundant. Deepwater Group Ltd supports the proposal and notes that the establishment of SPRFMO and use of High Seas fishing permits means the regulations are now redundant.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the unanimous support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that the Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000 are redundant due to the establishment of the South Pacific Regional Fisheries Management Organisation.</p> <p>b) Agree that the Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000 are revoked.</p>	<p>NOTED</p> <p>YES / NO</p>

⁷ The South Tasman Rise is adjacent to the Australian EEZ boundary south of Tasmania

10.11 CLARIFICATION THAT AMATEUR FISHERS MAY BLEED BLUE COD	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to one component of the nationwide package of blue cod management measures that came into effect in 2020; the requirement for amateur fishers to possess blue cod in a whole or gutted state. The requirement was implemented to assist fishery officers in being able to determine whether fish met minimum legal size requirements.</p> <p>Many fishers bleed their fish (cut the throat) to enhance the eating quality. Amateur fishers requested that FNZ confirm that this action is consistent with the requirement to possess blue cod in a whole or gutted state.</p> <p><i>Proposal</i></p> <p>FNZ proposed an amendment to regulations that would clarify that while blue cod still has to be in a whole or gutted state, fishers were able to bleed blue cod if they wished.</p> <p>Rationale for the proposal was that FNZ was satisfied that bleeding a blue cod did not have any impact on fishery officers being able to determine whether a fish met minimum legal size requirements. The proposal represented a minor clarification of the existing requirements but did not alter those requirements.</p> <p><i>Submissions</i></p> <p>Five submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Ferrymead Fishing Club • Fisheries Inshore New Zealand • Joint amateur submitters • Pegasus Bay Gamefishing / Sumner Boating and Fishing Clubs • Ted Howard <p>While the Ferrymead Fishing Club supports the proposal, they consider the requirement to land blue cod whole or gutted was forced upon them and is unfair. They consider amateur fishers should be able to bleed, fillet and ice down their catch at sea.</p> <p>The joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea) have a similar view. They consider that the National Blue Cod Strategy was poorly implemented in 2020. They request that FNZ develop metrics for blue cod that are clearly larger than the minimum legal size to provide an alternative to whole or gutted as the only legal measurable state.</p> <p>Ted Howard fully supports allowing people to bleed blue cod but raises other issues created as a result of the measures implemented in 2020. He notes that in Kaikoura, there are no dedicated facilities for disposing of unwanted fish frames and offal. He suggests that fishers should be able to use blue cod frames as bait in rock lobster pots provided that they have previously been landed in a whole or gutted state and that this would greatly assist the Kaikoura community.</p> <p>The Pegasus Bay Gamefishing Club / Sumner Boating and Fishing Club and Fisheries Inshore New Zealand support the proposal but did not provide further rationale.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges that while submitters generally support this proposal, several of them have raised wider concerns regarding implementation of the National Blue Cod Strategy. While reviewing specific requirements of the Strategy is outside the scope of this proposal, FNZ is aware of the issues raised and will continue to monitor the ongoing effectiveness of the measures introduced under the strategy and discuss them with amateur fishing representatives.</p> <p>FNZ notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that the desired outcome of this proposal is clarification that amateur fishers may bleed blue cod without this contravening the requirement for blue cod to be in a whole or gutted state.</p> <p>b) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>YES / NO</p>

10.12 AMENDMENTS TO DEFENCE ON POSSESSION OF BLUE COD BY AMATEUR FISHERS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal also related to an outcome of the nationwide package of amateur blue cod management measures that came into effect in 2020. None of the then Minister's decisions in 2020 sought to prevent fishers who fish outside the Territorial Sea from taking their daily limit of blue cod and bringing them back to land. However, the way some of those decisions were implemented inadvertently achieved that outcome.</p> <p>The issue is that while fishers can fish for blue cod outside the boundary of the Territorial Sea (12 nautical miles), where the daily limit is either 20 (Challenger, Central and Auckland/Kermadec areas) or 30 (South-East and Southland/Sub-Antarctic areas), they are unable to transit back through some parts of the Territorial Sea without being in breach of the regulations.</p> <p>In 2020, eight blue cod management areas were established around the South Island. These areas extend to the Territorial Sea boundary. As a result of discussions with amateur fishing stakeholders, FNZ identified two blue cod management areas that fishers wished to be able to transit through after fishing outside the Territorial Sea; Canterbury and North Otago.⁸</p> <p><i>Proposal</i></p> <p>FNZ proposed an amendment to the amateur fishing regulations that would achieve the objective of allowing amateur fishers to fish outside the the boundary of the Territorial Sea, and bring a bag limit of blue cod back to land via the Canterbury and North Otago blue cod management areas without breaching regulations.</p> <p>Amateur fishers who fish for blue cod beyond the Territorial Sea and return to land via the Canterbury or North Otago blue cod management areas would, however, need to be aware of what they may need to do in order to satisfy a court that they were not in breach of regulations. FNZ also intends to provide guidance for fishers, should this proposal proceed.</p> <p>FNZ also asked for stakeholder's views on whether the current daily limit of 30 blue cod that applies in those parts of the South-East and Southland/Sub-Antarctic areas that are outside the Territorial Sea should be reviewed.</p> <p><i>Submissions</i></p> <p>148. Five submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Ferrymead Fishing Club • Fisheries Inshore New Zealand • Joint amateur submitters • Pegasus Bay Gamefishing / Sumner Boating & Fishing Clubs • Ted Howard <p>While all submissions support, or conditionally support, the transit proposal, they raise wider concerns, primarily with implementation of National Blue Cod Strategy.</p> <p>The Ferrymead Fishing Club states that the current rules have severely restricted club members from catching a feed and that the proposal needs to be expedited. The Club does not support a review of the existing daily limit. Their position is that if a fishery is in trouble, any reduction in take should be shared by the commercial sector – preferably by spatial limits and a significant reduction in the TACC.</p> <p>The joint amateur submitters (NZ Sport Fishing Council, NZ Angling and Casting Association, NZ Underwater Association and LegaSea) view implementation of the National Blue Cod Strategy as being unsatisfactory. They object to the process that FNZ undertook to implement the Strategy.</p> <p>They are also unhappy with the requirement to possess blue cod in a whole or gutted state. They feel fishers should be able to fillet fish at sea if the frames are kept in a complete and measurable state. If frames are measurable, and the number of fillets matches the number of frames, they view compliance as not being too complex an issue. They also request that FNZ work with councils in the South Island to find solutions for how fishers can dispose of frames, as long as filleting at sea is not permitted.</p> <p>The Pegasus Bay Gamefishing Club and Sumner Boating & Fishing Club also voice concerns around how the National Blue Cod Strategy was implemented and consider that amateur fishers in Canterbury remain significantly disadvantaged by an unfair set of laws. Their list of actions that they would like FNZ to address includes:</p>	<p>a) Note that the desired outcome of this proposal is that amateur fishers who fish for blue cod beyond the Territorial Sea are able to return to land via the Canterbury or North Otago blue cod management areas without being in breach of regulations (if they have caught a daily limit of blue cod).</p> <p>b) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 to give effect to the desired outcome.</p> <p>c) Agree to retain the existing daily limits that apply to blue cod taken outside the Territorial Sea.</p>	<p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p>

⁸ The location of the two blue cod management areas referred to is available [here](#).

<ul style="list-style-type: none"> • Changing the status of the Canterbury blue cod management under the traffic light system from red to orange. • Permit filleting of blue cod at sea. • Enabling frames to be used as bait in rock lobster pots, which would assist with the ongoing issue of how to dispose of frames. • Raising the minimum legal size (MLS) outside the Territorial Sea from 33cm to 35cm, providing that the same MLS applies to commercial fishers (and providing that the transit proposal is implemented). • Considering the options for measurable state. <p>The Clubs also consider that if the transit proposal is implemented, a reduction in the daily bag limit from 30 to 15 would be acceptable provided that the same percentage reduction is applied to the commercial sector for the same area. They state that FNZ's proposal partially mitigates the significant inequity of the existing system but that real progress needs to be made on the balance of the remaining issues.</p> <p>Ted Howard states that while he broadly supports transit provisions, the proposal raises a number of related issues. This includes localised depletion issues and the extent to which we are concerned with carbon use in amateur fisheries.</p> <p>Fisheries Inshore New Zealand states that before it could support the proposal, it would need to know how amateur fishers would be required to prove the location of where they caught the blue cod. Regarding the bag limit for blue cod outside the Territorial Sea, Fisheries Inshore New Zealand states that it submitted in favour of retaining amateur bag limit settings in a different consultation process, and that it maintains this position for finfish species taken outside the Territorial Sea.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the concerns raised by submitters, particularly around how the National Blue Cod Strategy was implemented. As with the previous proposal, changes to any of the current requirements including those around possessing blue cod, the traffic light settings in blue cod management areas, and commercial catch limits, are outside the scope of this proposal. However, FNZ is aware of the issues raised and will continue to discuss them with amateur fishing representatives and monitor the ongoing effectiveness of the measures introduced under the Strategy.</p> <p>Regarding the amateur daily limit that applies outside the Territorial Sea, FNZ notes that there are no consistent views on this and does not propose changes to the existing daily limit for any areas at this point. We also note that as part of the recent process for changing amateur daily limits for finfish, you decided to retain the existing combined daily limits across the five amateur fishing areas which serve as the de facto daily limits for blue cod taken outside the Territorial Sea.</p> <p>FNZ notes that submissions did not propose any changes to the initial proposal e.g. additional blue cod management areas that fishers wish to transit through.</p>		
---	--	--

10.13 CLARIFY RESTRICTIONS ON LINE FISHING BY AMATEUR FISHERS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to two aspects of the restrictions governing the use of lines by amateur fishers (commonly referred to as longlines). It does not relate to the use of rods and reels or handlines.</p> <p>The first relates to the existing definition of 'line'. Currently, the existing definition only applies when a line is deployed i.e. it is in the water. This means that the existing regulations prohibiting possession of more than two lines (if on a vessel) or more than one line (if not using a vessel) are unenforceable. If a fishery officer found a vessel with three lines on board, they would be unable to enforce the relevant regulation if the lines were not actually in the water.</p> <p>The other relates to the intention of the relevant regulations to impose a 25-hook limit on all fishers using lines, regardless of whether they are fishing from a boat or not. When the regulations were updated in 2013, they were drafted in a way that meant the 25-hook limit only applied to fishers operating from a vessel. Land-based fishers could technically set a line with a more than 25 hooks if they wanted, despite no decision ever having been made to change this aspect of the regulations.</p> <p><i>Proposal</i></p> <p>FNZ proposed two amendments. The first was to amend the definition of 'line' such that compliance action could be taken if fishers were found in possession of more than the maximum number of lines, regardless of whether those lines were actually in the water or not.</p> <p>The second proposal was to clarify that the 25-hooks-per-line restriction applied to all fishers, regardless of whether they were fishing on a vessel or on land.</p> <p><i>Submissions</i></p> <p>Five submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Dave Guccione • Fisheries Inshore New Zealand • Pegasus Bay Gamefishing / Sumner Boating & Fishing Clubs • Suzan Maddock • Ted Howard <p>All submissions expressed support for the proposal. Dave Guccione notes that he is an amateur fisher who uses longlines and confirms that the proposal would not affect the way he fishes. Fisheries Inshore New Zealand agrees to the need for both aspects of this proposal.</p> <p>Ted Howard supports the intent of both aspects of the proposal. However, he would be concerned if amending the definition of 'line' resulted in fishing gear stored in, for example someone's shed, inadvertently ended up breaking the law. Suzan Maddock notes that on their local beach, some people use electric equipment to take a line out to sea. The Pegasus Bay Gamefishing Club and Sumner Boating & Fishing Clubs support the proposal but do not provide further rationale.</p> <p><i>Options and analysis</i></p> <p>Regarding the concern raised by Ted Howard, FNZ notes that the restrictions on line fishing are already worded in a way that they only apply 'in or adjacent to New Zealand fisheries waters'. This means gear stored in sheds would remain outside the scope of the restrictions.</p> <p>FNZ acknowledges the unanimous support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to the use of longlines by amateur fishers.</p> <p>b) Note that the desired outcome of this proposal is that the regulation relating to possession is enforceable and that the 25-hook restriction applies regardless of whether an amateur fisher is fishing from a boat or from the shore.</p> <p>c) Agree that amendments are made to the Fisheries (Amateur Fishing) Regulations 2013 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

10.14 AMENDMENTS TO OTAGO ROCK LOBSTER FISHERY PROVISIONS	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to one of the regulations used to manage the Otago commercial rock lobster fishery (CRA 7). The CRA 7 fishery has a different management framework to other rock lobster fisheries, with fishers able to take smaller lobster than all other areas.</p> <p>A series of regulations sets out the compliance framework that applies to this fishery to manage the risks associated with taking smaller lobsters. This includes regulations relating to the licensed fish receivers (LFRs) to which the rock lobster can be delivered or sold, and the processing and sale of CRA 7 rock lobster. FNZ identified two aspects of the regulations for technical amendment.</p> <p><i>Proposal</i></p> <p>The first part of the proposal was to amend the reference to <i>a licensed fish receiver within the Otago Region or outside the Otago Region</i> in the regulation relating to LFRs. The proposed amendment was that the reference be amended to refer to <i>a licensed fish receiver with premises within the Otago Region or outside the Otago Region</i>.</p> <p>Rationale for the proposed amendment was that the inclusion of a reference to an LFR's premises would enable a simple assessment to be made about whether the location of those premises was 'within the Otago Region' or 'outside the Otago Region'. It is also consistent with the LFR registration process, which requires LFRs to provide details such as the physical address of all premises (excluding mobile premises).⁹</p> <p>The second part of the proposal was to make a minor amendment to the regulation relating to processing and sale of quota management area CRA7 rock lobster. That regulation applies to <i>'any person who sells, possesses, or processes any rock lobster or rock lobster tail under regulation 6'</i>.</p> <p>The proposed amendment was to add the word 'taken' such that the reference was to <i>'...rock lobster or rock lobster tail taken under regulation 6'</i>.</p> <p>Rationale for this proposal was that the regulation would be made clearer if it referred to rock lobster 'taken' under regulation 6.</p> <p><i>Submissions</i></p> <p>Three submissions commented on this proposal. The New Zealand Rock Lobster Industry Council (RLIC) outlines a scenario where an LFR has premises both within and outside the Otago Region as well as mobile premises. They recommend FNZ and MPI Compliance work with industry to ensure that no additional obligations are imposed on LFRs in this (or any other) situations. They support the proposal subject to this recommendation being met. They also support the other proposed amendment.</p> <p>RLIC also objects to the word 'concession' being used in the wording of the proposed amendment. They point out that the word is not used anywhere in the regulations, which refer to 'special provisions'.</p> <p>The National Rock Lobster Management Group supports the proposal as a whole, noting that the amendments are not expected to materially impact on commercial fisheries or change their current obligations.</p> <p>Ted Howard agrees with both solutions proposed to the wording of the regulations.</p> <p><i>Options and analysis</i></p> <p>Regarding the scenario raised by RLIC about LFRs with premises within and outside the Otago region, FNZ can confirm that if the amendment were to proceed, there would be no additional obligations imposed on LFRs.</p> <p>FNZ also acknowledges the point raised by RLIC around use of the word 'concession' in this context. We note that this term is often used informally when referring to the wider CRA 7 management framework.</p> <p>FNZ acknowledges the support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this proposal relates to specific aspects of the Otago commercial rock lobster fishery (CRA 7).</p> <p>b) Agree that the desired outcome of the proposal is that references to 'licensed fish receiver' in the context of the Otago Region are amended to 'licensed fish receiver <i>with premises</i>' and that reference to 'rock lobster or rock lobster tail under regulation 6' is amended to 'rock lobster or rock lobster tail <i>taken</i> under regulation 6.</p> <p>c) Agree that amendments are made to regulations 6 and 7 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986 to give effect to the desired outcome.</p>	<p>NOTED</p> <p>YES / NO</p> <p>YES / NO</p>

⁹ The approved form for Application for a Fish Receivers Licence is available [here](#).

10.15 ENSURE REFERENCES TO QUOTA MANAGEMENT AREAS AND FISHERY MANAGEMENT AREAS IN COMMERCIAL FISHING REGULATIONS ARE CORRECT	Recommendations	Decision
<p><i>Background</i></p> <p>This proposal relates to the five area-specific commercial fishing regulations that apply to the Auckland and Kermadec, Central, Challenger, South-East, Southland and Sub-Antarctic areas.</p> <p>These regulations all contain references to quota management areas (QMAs) and/or fishery management areas (FMAs). FMAs are generic areas that are defined in Parts 1 and 2 of Schedule 1 of the Fisheries Act 1996. QMAs are species-specific areas, some of which are defined in Part 3 of Schedule 1 of the Act, while others are defined in notices issued pursuant to sections 18 and 19 of the Act, or via other means such as through reporting requirements.</p> <p>There are instances in the five area-specific regulations where the term 'quota management area' is used instead of the more generic 'fishery management area' and vice versa. Additionally, all five sets of regulations define quota management areas by reference to a notice that has been revoked.</p> <p>Additionally, the five sets of regulations unnecessarily define QMAs; these are already defined elsewhere and do not require further definition.</p> <p><i>Proposal</i></p> <p>FNZ proposed that the five area-specific commercial fishing regulations be reviewed, and that all references to FMAs or QMAs are, where required, updated accordingly.</p> <p>Rationale for this proposal was simply about ensuring consistency within the regulations, and between the regulations and the Fisheries Act 1996.</p> <p><i>Submissions</i></p> <p>Four submissions commented on this proposal. Submissions were received from:</p> <ul style="list-style-type: none"> • Deepwater Group Ltd • Fisheries Inshore New Zealand • FishServe • Ted Howard <p>Deepwater Group Ltd, Fisheries Inshore New Zealand and FishServe all support the proposal and did not make further comment. Ted Howard also supports the proposal and notes that it was a detail that he had missed when changes were made to the Fisheries Act 1996.</p> <p><i>Options and analysis</i></p> <p>FNZ acknowledges the unanimous support for this proposal and notes that submissions did not raise any issues that would require the initial proposal to be amended.</p>	<p>a) Note that this issue relates to use and definition of the terms 'quota management area' and 'fishery management area' in the five area-specific commercial fishing regulations.</p> <p>b) Note that the desired outcome of this proposal is that the correct terms are used in the regulations and that the regulations do not unnecessarily define terms that are defined elsewhere.</p> <p>c) Agree that amendments are made to the following regulations to give effect to the desired outcome:</p> <ul style="list-style-type: none"> i. Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 ii. Fisheries (Central Area Commercial Fishing) Regulations 1986 iii. Fisheries (Challenger Area Commercial Fishing) Regulations 1986 iv. Fisheries (South-East Area Commercial Fishing) Regulations 1986 v. Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 	<p>NOTED</p> <p>NOTED</p> <p>YES / NO</p>

11 Other issues not consulted on

11.1 ADDITIONAL REGULATORY PROPOSALS	Recommendations	Decision
<p><i>Description</i></p> <p>In the definition of tāngata whenua in regulation 2 of the Fisheries (South Island Customary Fishing) Regulations 1999, the reference to <i>Ngāti Apa ki te Rā Tō Post-Settlement Trust</i> should be updated.</p> <p><i>Comment</i></p> <p>Ngāti Apa ki te Rā Tō Trust has requested the change on the basis that the entity currently referred to in the regulation does not exist. The entity that should be referred to in these regulations is that which settled its historical grievances with the Crown.</p>	<p>a) Note that FNZ has identified a further series of minor regulatory proposals that were not included in the recent discussion document.</p>	<p>NOTED</p>
<p><i>Description</i></p> <p>The reference to certain freshwater eel stocks (ANG11-16) in the Schedule of the Fisheries (Over-Fishing Thresholds for Quota Management Stocks) Order 2001 should be replaced with the equivalent long-finned and short-finned eel stocks (LFE11-16 and SFE 11-16).</p> <p><i>Comment</i></p> <p>In 2016, South Island freshwater eel stocks (ANG11-16) were split into corresponding long-finned and short-finned stocks. Consequential amendments to the Order were not made at the time.</p>	<p>b) Note that the proposals largely correct drafting errors and do not change obligations for any stakeholders.</p>	<p>NOTED</p>
<p><i>Description</i></p> <p>Revoke Part 3 of Schedule 2 of the Fisheries (Commercial Fishing) Regulations 2001, which sets out fees for provisions made under the Fisheries Act 1983.</p> <p><i>Comment</i></p> <p>This part of Schedule 2 is redundant as the relevant legislation no longer exists. All remaining parts of the Fisheries Act 1983 are about to be revoked.</p>	<p>c) Agree that amendments can be made to the regulations identified in this table.</p>	<p>YES / NO</p>
<p><i>Description</i></p> <p>Update incorrect references in regulations 4(2) and 25(1) of Fisheries (Kaimoana Customary Fishing) Regulations 1998:</p> <ul style="list-style-type: none"> Regulation 4(2) refers to regulations 27 and 27A of the Fisheries (Amateur Fishing) Regulations 1986. The correct reference should be to regulations 50 and 51 of the Fisheries (Amateur Fishing) Regulations 2013. Regulation 25(1) contains two cross references to reference to regulation 23. The first of these should refer to regulation 24. <p><i>Comment</i></p> <p>The proposal corrects minor drafting errors.</p>		
<p><i>Description</i></p> <p>Amend incorrect references in the Schedule of the Fisheries (Transfer of Functions, Duties, and Powers to Commercial Fisheries Services Limited) Order 2013:</p> <ul style="list-style-type: none"> In Part 1 of the Schedule, the reference to section 103(3) in clause 25 should be replaced with section 103(4). In Part 3 of the Schedule, the reference to section 103(4) in clause 17 should be replaced with section 103(3). <p><i>Comment</i></p> <p>Amendments to the Fisheries Act 1996 in 2016 changed the number of some sections of the Act. Consequential changes to the Transfer Order were not made at the time.</p>		

<p><i>Description</i></p> <p>In regulation 49(c) of Fisheries (Reporting) Regulations 2017, the existing reference to 'paragraphs (g) to (k)' should be replaced with 'paragraphs (g) to (l)'.</p> <p><i>Comment</i></p> <p>The proposal corrects a drafting error that has resulted in an offence not having a corresponding penalty.</p>		
<p><i>Description</i></p> <p>The proposal is to revoke regulations 95A and 119A of the Fisheries (Amateur Fishing) Regulations 2013.</p> <p><i>Comment</i></p> <p>The proposal relates to amateur daily limits for blue cod. In 2020, implementation of the National Blue Cod Strategy involved the introduction of part 7B of the amateur fishing regulations, which sets out daily limits for all blue cod management areas (which cover all South Island and Chatham Island waters within the Territorial Sea).</p> <p>Regulations 95A and 119A also set out daily limits for some South Island waters. However, there is considerable overlap and some inconsistency between these provisions and those in Part 7B. The proposal will resolve those issues by only having the provisions in Part 7B (with the exception of the Fiordland (Te Moana o Atawhenua) marine area and internal waters of Fiordland). This is consistent with implementation of the National Blue Cod Strategy.</p>		
<p><i>Description</i></p> <p>The proposal relates to amateur fishers' requirements around use of surface floats in conjunction with lines as set out in Regulation 42 of the Fisheries (Amateur Fishing) Regulations 2013 (refer section 10.13 for a description of lines).</p> <p><i>Comment</i></p> <p>The existing requirements are unclear and would benefit from some clarification. The desired outcome is clarification that only when an amateur fisher uses a line from a vessel, and the line is set, moored, or placed and is not held in the hand (or otherwise attached to the vessel), at least one surface float must be attached.</p> <p>The proposed amendment clarifies existing requirements, which are ambiguous. It does not create additional obligations and the existing requirements for any float that is used to be legibly and permanently marked with the fisher's initials and surname would remain.</p>		
<p><i>Description</i></p> <p>The proposal is to amend regulation 7 of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 to enable video footage and associated information to be able to be provided to a person authorised/nominated by the chief executive of MPI (as well as the chief executive).</p> <p><i>Comment</i></p> <p>For the camera programme roll out, the contracted service provider will be receiving video footage and then providing it to MPI. The amendment makes the regulations consistent with operational practice.</p>		
<p><i>Description</i></p> <p>The proposal is to amend regulation 11 of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 to enable technical or mechanical failure of electronic monitoring equipment to be notified to a person nominated/authorised by the chief executive (in addition to the chief executive).</p> <p><i>Comment</i></p> <p>For the camera programme roll out, the contracted service provider will be receiving notifications of technical/mechanical failure. The amendment makes the regulations consistent with operational practice.</p>		

12 Other issues raised in submissions

19. This section addresses additional issues raised in submissions. Submissions that did not address any of the specific proposals in the discussion document were received from:
- Donny Taynton
 - Freda Woisin
 - Federation of Commercial Fishermen
 - Rob Radics
20. Rob Radics considers that the economic benefits of amateur fishing are greater than those for commercial on a per kilogram basis. He favours liberalising amateur fishing.
21. Donny Taynton advocates for the protection of our natural resources while Freda Woisin comments on the serious impacts that people are having on our fisheries.
22. The Federation of Commercial Fishermen strongly endorses the submission made by Fisheries Inshore New Zealand. However, they object to what they regard as not consultation in the true sense but an approach of reactive response. They consider that there should have been an opportunity for industry and government to work through the priorities for regulatory change.
23. Other submissions commented on specific proposals as well as raising additional issues.
24. Suzan Maddock asks whether FNZ will be looking at ghost nets (nets that have been addressed or abandoned). They suggest a way of identifying or marking fishing equipment in the future together with reducing the amount of foreign vessels taking seafood from our ocean to prevent what is happening in the North Sea and Mediterranean.
25. FNZ notes that there are already some existing requirements for commercial fishing gear to be marked and that all fishing vessels operating in New Zealand waters must be New Zealand flagged.
26. Tomer Simhony comments that in general, the proposals seemed reasonable amendments to fisheries regulations. They also urge FNZ to use a cautious approach, adopt an ecosystem-based approach and ban bottom trawling in all New Zealand waters.
27. FNZ notes that New Zealand's fisheries management system already encompasses elements of an ecosystem-based approach and that changes to trawling requirements are outside the scope of the current proposal.
28. Rebecca Alexander requests that consideration be given to making the vessel location information required under the geospatial position reporting regulations available for search and rescue purposes. They consider it would be good to not waste the potential use of this resource. MPI notes that this information is already made available to the Rescue Coordination Centre New Zealand for search and rescue purposes and that the arrangement is long-standing.
29. Rebecca also asks that consideration be given to fishers being allowed to transfer registry information from one client number to another without losing any money they have already paid. This request has been passed on to FishServe for its consideration.
30. The New Zealand Law Society notes that the majority of the proposed amendments in the discussion document could have a significant impact on the way amateur and commercial fishers and LFRs operate. For this reason they cannot be categorised as "technical" in nature. They consider that seeking feedback under a consultation document labelled "proposed technical amendments" risks failing to alert stakeholders to the real nature of the reforms proposed. They encourage officials to engage in further consultation if it is apparent that stakeholders have not fully considered the impacts of these proposals.
31. FNZ acknowledges the New Zealand Law Society's comments and confirms that it will continue to inform stakeholders as the process develops.
32. Although mentioned in relation to some of the proposals, the SPCA advocates that fish are sentient beings and should be awarded the same level of consideration and protection we give to other vertebrate animals. They also consider that proactive measures must be taken towards tackling

the issues of bycatch and fish discarding, including banning indiscriminate, destructive fishing methods, such as trawling.

33. Several submissions from fishing industry stakeholders commented on the absence of requirements for catch reporting by amateur fishers and FNZ's inability to manage amateur fishing such that catch remains within defined allowances. FNZ acknowledges these points but notes that these issues are outside the scope of any of the current proposals.

Appendix 1 – Proposed amateur daily limits for Chatham Island waters ([section 9.3](#))

The table shows the amateur daily limits proposed for Chatham Island waters. These represent the species-specific limits within the total daily limit of 30 finfish, including sharks.

The proposed amateur daily limit for each species represents the most frequent response in the recent survey of Chatham Island stakeholders. Rows that are highlighted indicate the species for which a decrease is proposed. Rows that are not highlighted indicate the species for which no change is proposed.

Table 4. Proposed amendments to amateur daily limits for Chatham Island waters

Species	Current amateur daily limit	Proposed amateur daily limit
Finfish		
Blue cod	15	5
Blue moki	15	5
Bluenose	5	2
Butterfish	15	5
Freshwater eels	6	2
Elephantfish	5	5
Flatfish	30	10
Grey mullet	30	5
Hapuku and bass	5	2
Kingfish	3	1
Kahawai	15	5
Lamprey	30	5
Ling	30	5
Marblefish	30	5
Gurnard	30	5
Red cod	10	5
Red moki	15	5
Rig	5	5 (<i>no change</i>)
Sand flounder	30	10
School shark	5	1
Skates	5	1
Salmon	2 ¹⁰	2 (<i>no change</i>)
Snapper	10	5
Stargazer	30	2
Tarakihi	15	5
Trevally	30	5
Trumpeter	15	5
Spiny dogfish	15	15 (<i>no change</i>)
Blue warehou	15	5
Wrasse	30	5
Large sharks		
Blue shark	1	1 (<i>no change</i>)
Bronze whaler	1	1 (<i>no change</i>)
Hammerhead shark	1	1 (<i>no change</i>)
Mako shark	1	1 (<i>no change</i>)
Porbeagle shark	1	1 (<i>no change</i>)
Seven-gilled shark	1	1 (<i>no change</i>)
Thresher shark	1	1 (<i>no change</i>)

¹⁰ Note that under the proposal outlined in section 9.2, the amateur daily limit for salmon in all areas, including Chatham Island waters would be reduced to one fish.

Species	Current amateur daily limit	Proposed amateur daily limit
Shellfish		
Cockles	150	50
Kina	50	10
Mussels	50	50 (<i>no change</i>)
Dredge oyster	50	50 (<i>no change</i>)
Paua (blackfoot)	10	5
Paua (yellowfoot)	10	5
Pipi	150	50
Rock lobster	6	2
Scallops	20	20 (<i>no change</i>)
Tuatua	150	50

Appendix 2 – Terms used in trawl and Danish seine design restrictions ([section 7.2](#))

Liners

In this context a 'liner' refers to an additional section of mesh that is attached to any part of a trawl net or Danish seine net in a way that means it acts as an additional layer of mesh. Liners typically have a smaller mesh size than the corresponding part of the net.

Sleeves

FNZ does not have definitive information as to what constitutes a 'sleeve' in relation to trawl gear or Danish seine gear. It may refer to material that is attached externally to the net, as opposed to a liner which is likely to be attached internally. Alternatively, a sleeve may refer to material that is not mesh.

Flappers

A flapper is a panel or panels of netting inserted inside the trawl net or Danish seine net in such a way that it allows fish to pass from the front to the rear of the net but limits their return. They are designed to act as 'non-return valves' and prevent the movement of fish back towards the mouth of the net if the movement of the net through the water slows.

Method of strengthening

A codend, and other parts of the net, can be strengthened by attaching ropes either lengthwise to prevent stretching or around the circumference to restrict the diameter under the pressure of accumulated fish. The trawl net and Danish seine restrictions don't prevent the use of strengthening ropes, however they require ropes to be spaced more than one metre apart.

Appendix 3 – Proposed amendments to Te Arawa Lakes (Fisheries) Regulations 2006 (*section 8.1*)

In summary, the requests are:

- i) to enable puka whakamana (authorisation for customary food gathering) to be issued for periods longer than 48 hours, and
- ii) to enable puka whakamana to be issued electronically.

For regulation 15(3) of the Te Arawa Lakes (Fisheries) Regulations 2006, the proposal is that it would be amended to read 'a puka whakamana may be issued for any period of time specified by a poutiriao¹¹ commencing from the time the puka whakamana is issued'.

For regulation 18, the proposal is that it would be amended to delete the stipulation that puka whakamana cannot be issued electronically.

The two proposals would require consequential amendments to those parts of the regulations that set out the compliance and reporting requirements relating to puka whakamana. These requirements are set out in regulations 18, 19 and 20, and would require updates to incorporate puka whakamana being able to be issued for periods exceeding 48 hours and to be issued electronically. Form 2, which is in the Schedule of the regulations, would also be amended to remove the stipulation that it cannot be transmitted electronically.

¹¹ Person entitled to issue puka whakamana