



Summary of fisheries regulation changes effective 10 April 2025

Summary of amendment	Description
<i>Amendments that apply to commercial fishing methods or equipment</i>	
Commercial fishers can use underwater breathing apparatus (UBA) to take scallops.	<p>The amendment adds scallops to the list of species or stocks that commercial fishers can harvest using UBA. All existing management measures that apply to scallop fisheries will continue to apply.</p> <p>A consequential amendment was made to regulation 12A of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 to ensure existing management measures also apply to diving.</p>
Commercial fishers can use the method of spearfishing in selected areas.	<p>Commercial fishers can use the method of spearfishing in selected areas, with management measures to be reviewed within five years.</p> <p>This selective fishing method can be used in most South Island waters, and around the lower North Island (as shown in Appendix 1). However, within both those broader areas, specific locations will remain recreational-only. The areas that will remain closed to commercial spearfishing include:</p> <ul style="list-style-type: none">• fishery management areas 1 and 9 (upper North Island), 6 (sub-Antarctic), and 10 (Kermadec area) in their entirety;• the coast of the lower North Island between Waikanae and Ohau Point including Kāpiti and Mana Islands;• an area of the Wellington south coast including Wellington Harbour;• the Kaikōura Marine Area ;• Motunau Island;• Banks Peninsula;• Shag Point;• The East Otago Taiāpure;• Otago Peninsula to Taieri Island;• an area of the north-east coast of Stewart Island (Rakiura);• three areas on the Southland coast (entrance to Bluff Harbour, Ocean Beach to New River Estuary, and a section of the coast around Riverton);• Eastern Tasman Bay, the inner Marlborough Sounds, and Port Underwood

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Scampi fishers will no longer be required to provide an annual notification of their intention to use small mesh nets.	<p>The amendment revokes the requirement for fishers intending to fish for scampi or prawn killer using small mesh nets during a fishing year to notify the Chief Executive of their intention to do so.</p> <p>The regulation has been superseded by changes introduced in 2019 under electronic reporting that require fishers to report cod-end mesh size on a tow-by-tow basis.</p>
<i>Amendments to the offences and penalties framework ¹</i>	
The amendment creates infringement offences for breaches of the majority of requirements under the Fisheries (Recordkeeping) Regulations 1990 with a corresponding infringement fee of \$400.	<p>The amendment recognises that infringement notices are more likely to be commensurate to the scale of the alleged offending than prosecution.</p> <p>The corresponding infringement fee of \$400 is the same as the lowest fee for breaches of the Fisheries (Reporting) Regulations 2017.</p> <p>Record keeping requirements apply to commercial fishers, licensed fish receivers, dealers in fish, and registered fish farmers.</p>
<p>The amendment creates specific offence and penalty provisions for failure to comply with conditions on a fish receiver's licence.</p> <p>The corresponding penalty would be a fine not exceeding \$20,000.</p>	<p>The Fisheries (Licensed Fish Receivers) Regulations 1997 provide for conditions to be imposed on a fish receiver's licence (regulation 6(3)). The amendment creates an explicit penalty for failure to comply with any conditions imposed. Although a generic offence provision within the Fisheries Act 1996 used to apply, creating a specific offence and associated penalty within these Regulations is likely to improve visibility and accessibility of the relevant rules.</p> <p>The penalty of a fine not exceeding \$20,000 is comparable to penalties for similar offences in other fisheries regulations. It is more appropriate than the generic provisions that used to apply, which included a maximum penalty of a fine not exceeding \$100,000.</p>
<p>The amendment creates an infringement offence for failure to respond to notifications that are issued pursuant to regulation 44 of the Fisheries (Reporting) Regulations 2017.</p> <p>The corresponding infringement fee is \$200.</p>	<p>Reports that commercial fishers provide pursuant to part 1 of the Fisheries (Reporting) Regulations 2017 are subject to a secondary validation process designed to detect issues or possible errors in the data. If an issue or possible error is detected, a notification is sent to the fisher asking them to confirm the report is correct or make a correction.</p> <p>Previously, there was no infringement offence for failure to respond to a notification. Creating an infringement offence recognises the benefits associated with ensuring the ongoing quality and accuracy of the data received from commercial fishers.</p> <p>The corresponding infringement fee of \$200 is lower than the fee for all other infringement offences in the same regulations. This recognises that the fisher has already provided the relevant report.</p>

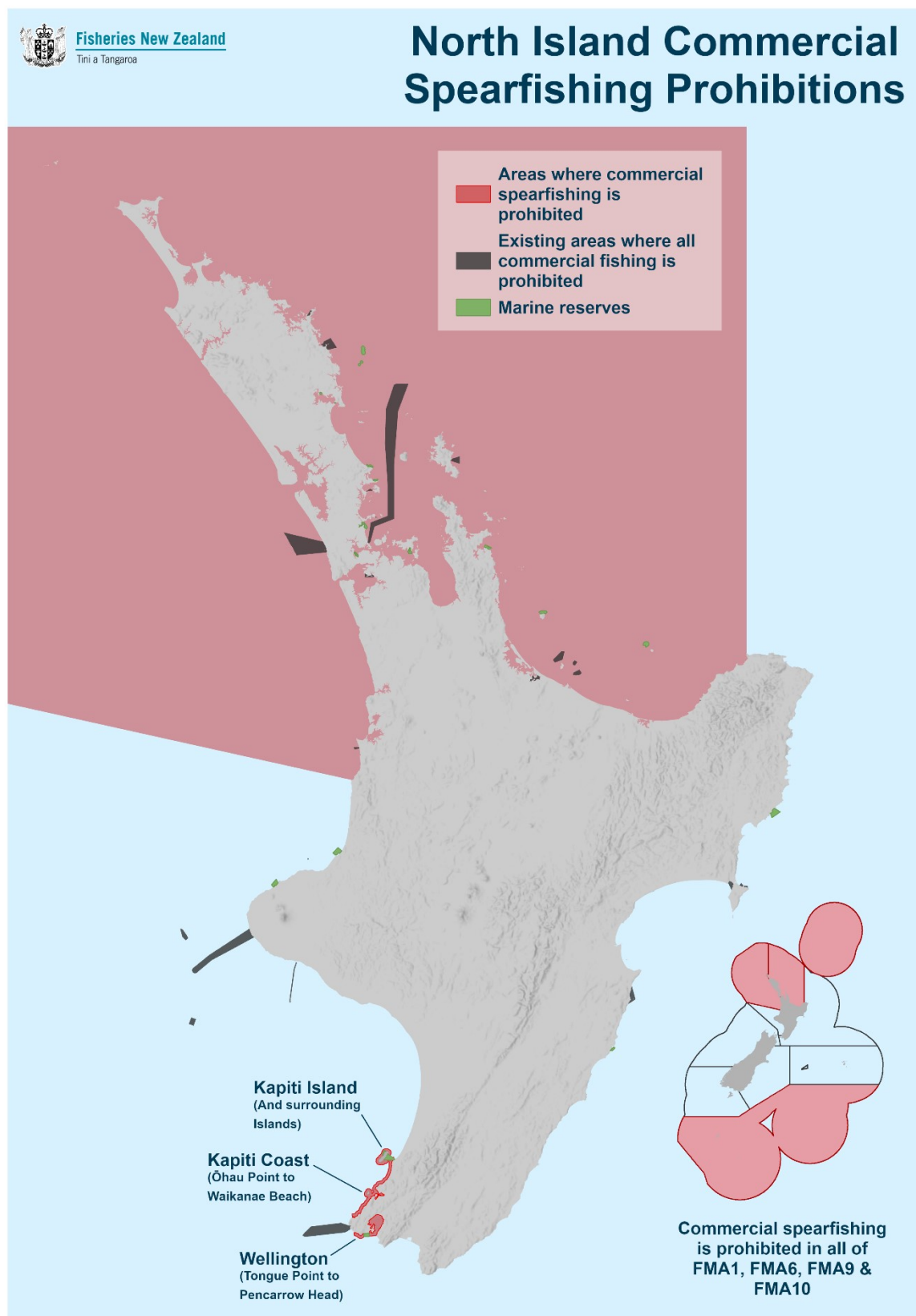
¹ None of the amendments to the offences and penalties framework involve changes to the existing obligations of any fisheries stakeholder.

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<p>The amendment creates infringement offences in relation to the mandatory requirements that apply to some commercial fishers to use seabird mitigation measures. There are two categories of infringement offence:</p> <ul style="list-style-type: none"> • one relates primarily to failure to use or apply a required seabird mitigation measure; and • the other relates to breaches of technical specifications. <p>Two different infringement fees apply to the corresponding offences:</p> <ul style="list-style-type: none"> • a fee of \$500 for offences relating to failure to use or apply a seabird mitigation measure; and • a fee of \$250 for breaches of technical specifications. 	<p>Mandatory seabird mitigation measures currently apply to trawl vessels greater than 28 metres in length, bottom longline vessels greater than 7 metres in length, and all surface longline vessels.</p> <p>Vessel operators can be prosecuted for failure to use or apply seabird mitigation measures. However, the ability to issue infringement notices provides an additional option for directed or enforced compliance that is likely to be more appropriate to the scale of the offending in some cases.</p> <p>The two categories of infringement offence (and corresponding fees) recognise that breaching technical specifications is less serious than failure to use a required measure.</p>
<p>The amendment creates an explicit offence provision for failure to comply with Regulation 7(4) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986.</p> <p>The corresponding penalty will be a fine not exceeding \$20,000.</p>	<p>In the Otago commercial rock lobster fishery, fishers are able to take smaller lobsters than in other areas. The amendment relates to one of the administrative regulations that apply to that fishery. It sets out product tagging and labelling requirements that apply to rock lobster or rock lobster tails that are intended for sale in New Zealand if the lobster are smaller than the minimum size requirements that apply to other rock lobster fisheries.</p> <p>The amendment creates a corresponding offence provision, with a penalty of a fine not exceeding \$20,000. The fine is consistent with that for other administrative regulations that already apply to the Otago commercial rock lobster fishery.</p>
<p>The amendment creates infringement offences for breaches of bylaws that are made under three sets of customary fishing regulations.</p> <p>Two types of infringement offence will be created:</p>	<p>The amendment means that fishery officers can issue infringement notices for breaches of, for example, mātaihai reserve bylaws.</p> <p>In most circumstances, the ability to issue infringement notices for breaches of bylaws that are made under customary fishing regulations is likely to be more appropriate than prosecution in relation to the scale of the offences committed.</p> <p>The corresponding infringement fees align with those for breaches of amateur fishing regulations.</p>

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<ul style="list-style-type: none"> offences that involve taking or possessing more than the daily limit of a species to which a bylaw applies, but not more than two times that limit; and one for all other offences. <p>Two different fees will apply to the corresponding infringement offences:</p> <ul style="list-style-type: none"> \$250 for offences that involve taking or possessing more than the daily limit of a species to which a bylaw applies, but not more than two times that daily limit; and \$500 for all other offences. 	<p>The amendment applies to bylaws made under:</p> <ul style="list-style-type: none"> Fisheries (Kaimoana Customary Fishing) Regulations 1998 Fisheries (Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi) Amendment Regulations 2017 Fisheries (South Island Customary Fishing) Regulations 1999
<i>Amendments that relate to licensed fish receivers and recordkeeping obligations</i>	
<p>The amendment clarifies when licensed fish receivers (LFRs) must record species- or stock-specific information on purchase invoices (purchase invoices are a type of record required under these regulations).</p>	<p>The amendment relates to the small number of stocks that have different fishstock codes for MHRs than the fishstock code used on other reports i.e. flatfish, green-lipped mussel, hapuku and bass, and oreo stocks.</p> <p>In order for a commercial fisher to accurately record species-specific information on landing reports, that information must first have been provided to them by the LFR.</p> <p>This amendment essentially clarifies when LFRs are required to record stock- or species-specific information and future-proofs the regulation in case the requirement is extended to other stocks. It confirms what is currently happening in practice.</p>
<p>The requirement for the Chief Executive to consult regarding conditions on a fish receiver's licence has been replaced with a requirement to give written notice along with 'right of review' provisions.</p>	<p>The requirement to consult with the holder of, or applicant for, a fish receiver's licence regarding conditions has been changed. The Chief Executive must now give written notice when imposing, amending, or revoking any conditions on a licence, consistent with other fisheries legislation.</p> <p>Concurrently, provisions setting out that the fish receiver has the right to review any written notice they receive have also been added.</p>

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<i>Maintaining intent for customary fishing regulations to prevail over other regulations</i>	
<p>Consequential amendments to four sets of customary fishing regulations have been made such that they can continue to prevail over other secondary legislation.</p>	<p>Each set of regulations contains a provision allowing them to prevail over other regulations. Following the introduction of the Legislation Act 2019, there was some ambiguity around whether the intent of that provision can be maintained.</p> <p>The intent of the existing provisions is to ensure that, in the event of inconsistency between them and other regulations made under the Fisheries Act 1996, the customary regulations can prevail. The administrative amendment ensures that the original policy intent can be maintained. It will not impact the ability to exercise the provisions.</p> <p>The regulations that have been updated are the:</p> <ul style="list-style-type: none"> • Fisheries (Kaimoana Customary Fishing) Regulations 1998 • Fisheries (Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi) Amendment Regulations 2017 • Fisheries (South Island Customary Fishing) Regulations 1999 • Waikato-Tainui (Waikato River Fisheries) Regulations 2011

Appendix 1. Maps showing areas where commercial spearfishing remains prohibited



South Island Commercial Spearfishing Prohibitions



Fisheries New Zealand
Tini a Tangaroa

