Version
as at 23 December 2023

Freshwater Fish Farming Regulations 1983

(SR 1983/278)

David Beattie, Governor-General

Order in Council

At the Government House at Wellington this 19th day of December 1983

Present:
His Excellency the Governor-General in Council

Pursuant to the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title and commencement

(1) These regulations may be cited as the Freshwater Fish Farming Regulations 1983.

(2) These regulations shall come into force on 1 January 1984.

2 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1983

authorised officer means a person or officer—

(a) with the appropriate specialist qualifications; and

(b) appointed in writing by the chief executive

brood fish means male or female fish kept on a fish farm for breeding purposes

disease, in relation to fish, includes any disease specified by the Director-General by notice published in the *Gazette*; and **diseased** has a corresponding meaning

eating-house means any premises, including any restaurant, hotel, or other public eating place, in which food is sold for consumption on the premises or is cooked and sold for consumption off the premises

fish means such species of fish, aquatic life, or seaweed as may be specified by the chief executive by notice in the *Gazette*, and—

(a) includes—

(i) any variety or subspecies of such fish, aquatic life, or seaweed; and

(ii) the young, fry, ova, or spawn and any part of such fish, aquatic life, or seaweed:

(b) does not include processed fish, aquatic life, or seaweed imported into New Zealand

fish farm means any establishment (including an ocean-ranching establishment), licensed under these regulations to capture, raise, feed, release, process, or deal in fish for sale; but does not include—

(a) any hatchery established and operated by a Fish and Game Council within the meaning of the Conservation Act 1987 or by the Ministry of Agriculture and Forestry or by the Department of Conservation; or

(b) any food premises; or

(c) any establishment licensed under these regulations solely to process or deal in fish for sale

food premises means any establishment, including an eating-house, on or from which food is sold or disposed of directly and predominantly to the public; but does not include any establishment licensed under these regulations solely to process or deal in fish for sale

licence means a fish-farm licence or other licence issued under these regulations; and **licensed** and **licensee** have corresponding meanings

ocean-ranching means releasing juvenile salmon into waters to grow at sea and, on the return of the adult salmon to a specified place, harvesting them or producing ova from them

officer means an officer appointed under the Act for the purposes of these regulations

production record, in relation to any fish farm, means a yearly return of fish in a form required by the Director-General

sales record, in relation to any fish farm or other business, means a return of fish sold by the licensee in a form required by the Director-General

tag means a coded metal or plastic tag approved by the Ministry of Agriculture and Forestry

Taupo District means the district described in the Taupo District Order 1983, made pursuant to section 14(8) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926

transfer means the transportation of fish obtained from a fish farm licensed under these regulations to or from a leased or licensed area within the meaning of the Marine Farming Act 1971, or to or from another fish farm, or to a point of release into any waters, or to or from any other place

year means a period of 12 months ending with 31 December.

(2) No provision of any other regulations under the Act shall apply to any fish raised on or transferred to a fish farm duly licensed under these regulations or food premises that comply with regulation 21.

Regulation 2(1) **authorised officer**: substituted, on 26 July 2001, by regulation 3 of the Freshwater Fish Farming Amendment Regulations 2001 (SR 2001/154).

Regulation 2(1) **fish**: substituted, on 1 October 1996, by regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 4 (SR 1996/275).

Regulation 2(1) **fish farm** paragraph (a): amended, on 1 July 2011, pursuant to clause 3 of the State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2011 (SR 2011/136).

Regulation 2(1) **fish farm** paragraph (a): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **fish farm** paragraph (a): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 2(1) **licence**: amended, on 22 June 2000, by regulation 3 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

Regulation 2(1) **tag**: amended, on 1 July 2011, pursuant to clause 3 of the State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2011 (SR 2011/136).

3 Scope of regulations

Except with the consent of the Minister of Conservation, no licence shall be issued under these regulations permitting any fish farm, or any processing plant for the purposes of processing the produce of any fish farm, to be established in the Taupo District or in the County of Rotorua.

Regulation 3: amended, on 9 July 1987, by regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 1 (SR 1987/180).

Part 1
Licensing of fish farms and processing plants

4 Fish farms to be licensed

(1) No person shall establish or operate any fish farm except pursuant to a fish-farm licence granted by the Minister under these regulations and for the time being in force and in accordance with the conditions of the licence and with the provisions of these regulations.

(2) No person shall process or deal in any produce of a fish farm except pursuant to a fish-farm licence, or a licence to process or deal in the produce of a fish farm, granted by the Minister under these regulations and for the time being in force and in accordance with the conditions of the licence and with the provisions of these regulations.

(3) Where fish are disposed of to or from any food premises which comply with regulation 21, those premises shall not be required to be licensed pursuant to this regulation.

(4) *[Revoked]*

Regulation 4(4): revoked, on 22 June 2000, by regulation 4(1) of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

5 Applicant to obtain right to take or discharge water required by Resource Management Act 1991

(1) Before any person applies for a fish-farm licence, he shall obtain under the provisions of the Resource Management Act 1991 any right required by that Act in respect of any water required for, or affected by, the proposed fish farm. Forthwith after making application for any such right, he shall give notice in writing thereof to the Fish and Game Council within the meaning of the Conservation Act 1987 in whose district the proposed fish farm will be situated and each Fish and Game Council within the meaning of the Conservation Act 1987 into whose district water from the proposed farm may be discharged.

(2) Where any person is granted any right referred to in subclause (1), the Fish and Game Council within the meaning of the Conservation Act 1987 may, within 21 days after public notification is made under the Resource Management Act 1991 of the granting of that right, make written submissions to the Director-General in relation to the application for a fish-farm licence.

Regulation 5 heading: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Regulation 5(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Regulation 5(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 5(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Regulation 5(2): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

6 Applications for licences

(1) Every application for a fish-farm licence, or a licence to process or deal in the produce of a fish farm, shall be made in writing to the Director-General in a form provided by him.

(2) Every application for a fish-farm licence shall specify the kind of fish intended to be raised on the fish farm.

(3) Every application for a fish-farm licence shall be accompanied by plans (in duplicate) showing—

(a) the location of the proposed fish farm and all premises associated with the farm for processing or dealing in its produce:

(b) the layout of all ponds and buildings:

(c) all intake and outlet structures, where applicable:

(d) the source of the water to be used, the flow pattern of the water through the fish farm, and the location of outflows:

(e) in relation to ocean-ranching, the place from which salmon are to be released, and the place from which salmon shall be recaptured.

(4) In every application for a fish-farm licence, the applicant shall specify his right to occupy the area of the proposed fish farm, and shall supply sufficient evidence that all rights, licences, and other authorities required by any enactment authorising him to draw water from and return water to any lake or river or stream, to take or discharge water into the sea, and to occupy any foreshore have been duly granted and are in force.

(5) The Director-General may require the applicant for any licence that may be issued under these regulations to supply such further information of any kind as

the Director-General may consider relevant and require, which, in the case of an applicant for a fish-farm licence, may include information concerning the suitability for the purpose of the waters proposed to be used as a fish farm, the methods proposed to be adopted in operating the fish farm, and the suitability of the applicant, having regard to his qualifications, experience, and resources, to operate the fish farm. Until that information is supplied, the Minister shall be under no obligation to give any further consideration to any application.

7 Director-General may issue provisional licence

[Revoked]

Regulation 7: revoked, on 22 June 2000, by regulation 5 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

8 Issue and conditions of licences

(1) It shall be in the discretion of the Minister to grant or refuse any application for a licence:

provided that before determining any application for a licence, the Minister shall take into account—

(a) any written submissions in relation to the application made under regulation 5(2) to the Director-General by a Fish and Game Council within the meaning of the Conservation Act 1987; and

(b) the qualifications, previous training, and experience of an applicant for a fish-farm licence to operate a fish farm and, in the event that a fish farm is to be managed by a manager, the qualifications, previous training and experience of the manager; and

(c) in the case of an application for a fish-farm licence, the situation of the proposed fish farm and the applicability of the principles of good farming practice to it.

(2) Every licence shall be signed by the Minister.

(3) It shall be a condition of every fish-farm licence, whether specified in the licence or not, that—

(a) all rights, licences, and authorities required by any enactment relating to the use or discharge of water in the operation of the fish farm shall be kept in full force and effect so long as fish-farming operations are carried out under the licence; and

(b) means shall be provided to ensure that water can be supplied to every pond on the fish farm without previously passing through any other pond on the fish farm and that it cannot be discharged without being treated by such process as shall be approved in the circumstances of each case by the Director-General.

(4) Subject to subclause (3), the Minister may grant any licence subject to such conditions as he thinks fit. Those conditions shall be specified in the licence.

(5) Every fish-farm licence shall specify the kind of fish that may be raised pursuant to the licence and if there is more than 1 kind of fish, shall also specify whether they are to be segregated.

(6) Every fish-farm licence shall specify by what means any fish offal shall be disposed of by the licensee.

(7) Notwithstanding the foregoing provisions of this regulation, the Minister shall not grant more than 1 salmon fish-farm licence for any one catchment unless he is satisfied that the proper management of the salmon fishery in that catchment would not be adversely affected by the granting of an additional licence or licences, and for this purpose shall consider any submission on the matter made—

(a) by a Fish and Game Council within the meaning of the Conservation Act 1987 in any case where that Council could make submissions under regulation 5(2) if the application for the licence were an application for a water right:

(b) by an organisation considered by the chief executive to be representative of the classes of persons having an interest in a commercial fishery that may be affected by the issuing of further licences:

(c) by the licensee of any other fish farm in the same catchment.

Regulation 8(1)(a): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 8(7)(a): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 8(7)(b): amended, on 1 October 2002, by section 5(6) of the Fishing Industry Board Repeal Act 2001 (2001 No 34).

9 Conditions as to discharge of effluents

Without limiting the provisions of regulation 8(4), the Minister shall, where practicable, make it a condition of every fish-farm licence that, subject to compliance by the licensee with any requirements of the Resource Management Act 1991, and with the terms of any right granted under that Act to the licensee, all effluents from the fish farm shall, after being treated as mentioned in paragraph (b) of regulation 8(3), be discharged into the sea or into estuarine waters or, where that is not practicable, shall be further treated and disposed of in a manner specified by the Minister.

Regulation 9: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

10 Duration of licence

(1) Every licence shall, unless it is sooner cancelled or suspended in accordance with these regulations, continue in force until the expiration of the term, not exceeding 14 years, for which it is issued, and may from time to time be

renewed by the Minister, in a form provided by him and signed by him, for a further term not exceeding 14 years.

(2) Notwithstanding that any licence is issued or renewed for any term, the conditions on which the licence is held by the licensee may at any time during that term be changed on written notice being given to him of the changed conditions by the Minister. Subject to regulation 8(3), the conditions may be changed by the addition of new conditions or the revision or omission of existing conditions as the Minister thinks fit.

(3) The Minister may, if he is satisfied that the licensee has not paid the fee pursuant to regulation 15 or has not commenced to use the licence for the purposes for which it was granted within 12 months after the date on which it was granted, give the licensee written notice to the effect that, if the licensee has not paid the fee or has not commenced to use the licence within 2 months after the date of the notice, the licence will be cancelled by the Minister upon the expiry of that period.

(4) If the licensee does not intend to continue to use the licence, the licensee must give written notice to the Minister and request the licence be cancelled.

(5) If the Minister is satisfied that no fish remain on the fish farm, and the licensee has returned his or her original licence, the Minister may cancel the licence.

Regulation 10(4): added, on 22 June 2000, by regulation 6 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

Regulation 10(5): added, on 22 June 2000, by regulation 6 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

11 Renewal of licence

(1) Any application for the renewal of a licence shall be made to the Director-General in writing, and shall be made not earlier than 12 months, and not later than 3 months, before the date of expiry of the licence.

(2) Unless the Minister is satisfied that the licensee has failed to comply with the conditions of the licence, the Minister shall grant the application for a renewal of the licence:

provided that—

(a) the Minister may grant the renewal subject to such conditions, either in addition to or in substitution for those to which the licence is for the time being subject, and the additional or substituted conditions shall be endorsed on or annexed to the licence, which shall be subject to those conditions accordingly:

(b) the Minister shall not grant the renewal unless he is satisfied that all rights, licences, and other authorities required by any other enactment authorising the licensee to draw water from and return water to any lake or river or stream, to discharge water into the sea, and to occupy any foreshore have been duly granted and are in force.

(3) The Minister may determine any application for renewal of a licence, notwithstanding that the application may not have been made within the time limited by this regulation in that behalf, provided the application was made not later than the date of expiry of the licence.

(4) If application for the renewal of a licence is made as aforesaid but is not determined on or before the expiry of the licence, the licence shall be deemed to be extended until the application is decided by the Minister.

12 Transfer of licence

(1) Any person, being—

(a) the licensee; or

(b) the personal representative of a deceased licensee; or

(c) the manager under any of sections 30 to 33 of the Protection of Personal and Property Rights Act 1988 of the property of a licensee (or of part of it, if the licence relates to that part); or

(d) *[Revoked]*

(e) the assignee in bankruptcy of a licensee who has been adjudged a bankrupt; or

(f) the liquidator of a company which is a licensee,—

may transfer the licence to any person approved in writing by the Minister in that behalf.

(2) Application for approval of a transfer under this regulation shall be made in writing to the Director-General.

(3) The Minister shall approve an application for his approval of a transfer of a fish-farm licence or a licence to process the produce of a fish farm if he is satisfied that the proposed transferee, having regard to his qualifications, experience, and resources, is a suitable person to operate the fish farm or processing plant:

provided that the Minister shall not approve any such transfer unless he is satisfied that all licences and other authorities required by any other enactment authorising the proposed transferee to draw water from and return water to any lake or river or stream, to discharge water into the sea, and to occupy any foreshore have been duly granted and are in force.

(4) No transfer of a licence shall have any force or effect unless and until it is approved by the Minister under this regulation.

Regulation 12(1)(c): substituted, on 10 September 2008, by section 25(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Regulation 12(1)(d): revoked, on 10 September 2008, by section 25(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

13 Carrying on of fish farm by personal representative of deceased licensee, etc

(1) Any person being—

(a) the personal representative of a deceased licensee; or

(b) the manager under any of sections 30 to 33 of the Protection of Personal and Property Rights Act 1988 of the property of a licensee (or of part of it, if the licence relates to that part); or

(c) *[Revoked]*

(d) the assignee in bankruptcy of a licensee who has been adjudged a bankrupt; or

(e) the liquidator of a company which is a licensee,—

may, with the consent in writing of the Director-General, operate or appoint some other person to operate the fish farm, processing plant, or other premises, to which the licence relates for such period as the Director-General determines.

(2) While any person operates a fish farm, processing plant, or other premises pursuant to this regulation, he shall, for the purposes of these regulations, be deemed to be the holder of the licence.

Regulation 13(1)(b): substituted, on 10 September 2008, by section 25(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Regulation 13(1)(c): revoked, on 10 September 2008, by section 25(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

14 Licence to be displayed

The licensee shall cause his licence and any renewal thereof, together with any notice of change in terms of the licence as issued or renewed, for the time being in force, to be displayed in a prominent place at the fish farm, or, in the case of a licence held solely for the purposes of processing or dealing in the produce of a fish farm, at the licensee's chief place of business.

15 Fees

[Revoked]

Regulation 15: revoked, on 1 October 1997, by regulation 2 of the Freshwater Fish Farming Amendment Regulations 1997 (SR 1997/191).

15A Fees

(1) The fees specified in the second column of the Schedule are payable in respect of the matters specified in the first column of that schedule by the person applying for the relevant issue, variation, or renewal of licence, or the relevant approval, authority, or consent.

(1A) If the cost of processing an application (in respect of which a fee is prescribed in the Schedule) at the rate of $133.88 per hour or part of an hour—

(a) is less than the prescribed fee, the chief executive must remit the balance of the prescribed fee:

(b) is more than the prescribed fee, the applicant must pay the additional amount.

(2) The fees payable under this regulation are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

(3) *[Revoked]*

Regulation 15A: inserted, on 1 October 1996, by regulation 3 of the Freshwater Fish Farming Regulations 1983, Amendment No 4 (SR 1996/275).

Regulation 15A(1A): inserted, on 1 October 2000, by regulation 3(1) of the Freshwater Fish Farming Amendment Regulations (No 2) 2000 (SR 2000/180).

Regulation 15A(1A): amended, on 2 December 2004, by regulation 3 of the Freshwater Fish Farming Amendment Regulations 2004 (SR 2004/382).

Regulation 15A(3): revoked, on 1 October 2000, by regulation 3(2) of the Freshwater Fish Farming Amendment Regulations (No 2) 2000 (SR 2000/180).

Part 2
Operation of fish farms and processing plants

16 Sale and possession of fish

Subject to these regulations, it shall be lawful for—

(a) any licensee to be in possession of, sell, or otherwise dispose of fish raised on or transferred from any fish farm to another fish farm and for any other person to be in possession of any such fish sold or otherwise disposed of:

(b) any licensee to sell fishing rights to the general public to fish at the fish farm under the conditions specified in his licence or specified in writing by the Director-General:

(c) *[Revoked]*

(d) a licensed fish receiver to store and sell any salmon received from a commercial fisherman pursuant to paragraph (c) before that paragraph was revoked by regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 2.

Regulation 16(c): revoked, on 22 December 1988, by regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 2 (SR 1988/322).

Regulation 16(d): substituted, on 22 December 1988, by regulation 2 of the Freshwater Fish Farming Regulations 1983, Amendment No 2 (SR 1988/322).

17 Only fish raised or lawfully transferred to be on fish farm

(1) Subject to this regulation, the licensee of a fish farm shall not keep any fish on that farm, unless the fish has been raised on the fish farm, or, with the approval of the Director-General, has been transferred to the fish farm from another licensed fish farm.

(2) Subject to regulation 31, with the approval of the chief executive, fish may be transferred to the fish farm from a hatchery.

(3) Subject to regulation 31, any fish may, for experimental purposes under the direct control of the chief executive, be transferred to the farm or released alive from the farm otherwise than in accordance with subclause (1).

(4) Subject to regulations 18 and 31, any person may, with the written authority of the chief executive, transfer to a fish farm any fish (including salmon ova)—

(a) taken by the person from any waters; or

(b) acquired by the person from any person who holds—

(i) a lease or licence granted under the Marine Farming Act 1971; or

(ii) a marine farming permit or spat catching permit issued under the Fisheries Act 1983; or

(iii) a fish receiver's licence issued under the Fisheries (Licensed Fish Receivers) Regulations 1986; or

(iv) a fishing permit issued under section 63 of the Fisheries Act 1983.

(5) This regulation shall not apply to the licensee of any fish farm used exclusively for farming eels.

Regulation 17(1): amended, on 4 December 1997, by regulation 2(1) of the Freshwater Fish Farming Amendment Regulations (No 2) 1997 (SR 1997/288).

Regulation 17(2): substituted, on 22 June 2000, by regulation 7(1) of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

Regulation 17(3): substituted, on 22 June 2000, by regulation 7(1) of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

Regulation 17(4): substituted, on 4 December 1997, by regulation 2(2) of the Freshwater Fish Farming Amendment Regulations (No 2) 1997 (SR 1997/288).

Regulation 17(4): amended, on 22 June 2000, by regulation 7(2) of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

18 Transfer and release of salmon by licensee

(1) Subject to regulation 32, the licensee of a salmon fish farm may release or transfer salmon in accordance with the terms and conditions of his licence, or with the written authority of the Director-General or authorised officer and after consultations with and having regard to the functions of Fish and Game Councils within the meaning of the Conservation Act 1987.

(2) The chief executive may revoke his or her written authority at any time.

(3) No marked or tagged salmon shall be released or transferred unless the method of marking or tagging, the mark or the tag, and the number of salmon to be so released or transferred, have been approved by the Director-General.

Regulation 18(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 18(2): substituted, on 22 June 2000, by regulation 8 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

19 Capture of salmon

It shall be lawful for any licensee to capture salmon in the waters specified in his licence from such places and at such times as may be so specified.

20 Fish ova

(1) Ova taken from fish in a fish farm surplus to the needs of that fish farm shall not be destroyed, but shall be offered for sale or be otherwise disposed of pursuant to the directions of the Director-General given generally or in respect of a particular fish farm:

provided that a licensee shall be neither required nor directed to dispose of ova to another fish farm.

(2) Subject to subclause (1), no person shall obtain, supply, possess, or dispose of salmon ova without the written authority of the Director-General.

(3) Subclause (2) shall not apply to any Fish and Game Council within the meaning of the Conservation Act 1987.

Regulation 20(3): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

21 Sale and processing of salmon

(1) No person shall possess, process, cook, serve, sell, or otherwise dispose of salmon in or from any food premises unless—

(a) the food premises are authorised by the Director-General to be premises from which those things can be done:

(b) the salmon has been obtained from a fish farm or a licensed processor or dealer or authorised food premises.

(2) No fish farm licensee or licensed dealer or processor shall sell or otherwise dispose of salmon except to or through the agency of any other fish farm, licensed dealer, or authorised food premises, unless he has obtained a written authority from the Director-General.

(3) Subject to this regulation, salmon may be processed in any manner and sold and served in any form, if, in any particular case, the source of the salmon can be ascertained or verified to the satisfaction of the Director-General by a fishery officer appointed under the Act as coming from a fish farm, licensed dealer, or processor, or authorised food premises.

(4) For the purposes of subclause (1)(a), all food premises shall be deemed to be authorised by the Director-General without a specific application having to be made to him unless he is satisfied—

(a) that the food premises do not appear to be bona fide; or

(b) the food premises, or the person in charge of them, has been convicted of an offence against these regulations,—

in which case the Director-General may refuse to authorise the food premises in terms of subclause (1).

21A Disposal and possession of live marron

[Revoked]

Regulation 21A: revoked, on 22 June 2000, by regulation 9(1) of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

22 Sale of fish to other fish farms

Subject to regulation 31, the licensee of any fish farm may, with the consent in writing of the Director-General, sell or otherwise dispose of any live fish to the licensee of any other fish farm.

23 Animal material to be sterilised

(1) No person shall feed any animal material to fish on any fish farm unless the animal material has been sterilised—

(a) by heating it throughout for not less than 30 minutes at a temperature of at least 120°C; or

(b) by boiling it for not less than 2 hours; or

(c) by some other equally efficient method of sterilisation approved by the Director-General.

(2) Notwithstanding subclause (1), unsterilised animal material may, with the approval of the Director-General and subject to such conditions as he may specify, be fed to fish on fish farms.

(3) This regulation shall not apply to the feeding of animal material to eels or freshwater crayfish unless the eels or freshwater crayfish are fed with fish.

24 Licensee to keep records and make returns

(1) The licensee of a fish farm shall keep full records, in a form approved by the Director-General, of all fish raised on or transferred to the fish farm and of all fish sold or otherwise disposed of by the licensee, and shall make those records available for inspection by any officer at all reasonable times.

(2) Unless stated otherwise as a condition of a fish-farm licence, the licensee must, if requested by the chief executive, provide within 7 days a sales record showing the fish sold or otherwise disposed of by the licensee for the period determined by the chief executive.

(3) Unless stated otherwise as a condition of a fish-farm licence, the licensee must, if requested by the chief executive, provide within 7 days a production record for the period determined by the chief executive.

(4) In so far as this regulation applies to fish farms used exclusively for eels or freshwater crayfish, no record of the numbers of the eels or freshwater crayfish

need be kept, but records shall be kept of all transactions in respect of those eels and freshwater crayfish.

Regulation 24(2): substituted, on 22 June 2000, by regulation 10 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

Regulation 24(3): substituted, on 22 June 2000, by regulation 10 of the Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80).

25 Records to be maintained

(1) Every person carrying on the business of processing or dealing in fish from any fish farm shall maintain adequate records of—

(a) the number and weight of fish received each day at the premises:

(b) the person from whom the fish were received:

(c) the number and weight of the fish disposed of each day at or from the premises (not being food premises):

(d) the processor or dealer to which any fish were disposed.

(2) Every person carrying on business as aforesaid shall at any time during his ordinary hours of business, on being requested to do so by any authorised officer, or any fishery officer appointed under the Act produce for inspection by any such officer all or any of the records required to be maintained under subclause (1).

(3) Every entry in the records required to be maintained under this regulation shall be identified by—

(a) the serial number of each container in which the fish are packed:

(b) the number and weight of the fish packed in the container:

(c) the date of packing (which date may be in a code known to the Director-General).

(4) Every person carrying on the business of processing or dealing in fish from any fish farm shall ensure that every container of the fish bears a label or marking clearly showing the number and weight of freshwater fish packed in the container and a batch number. Any such batch number may be in a code known to the Director-General.

Regulation 25(2): amended, on 26 July 2001, by regulation 4 of the Freshwater Fish Farming Amendment Regulations 2001 (SR 2001/154).

Part 3
Disease control

26 Licensee to give notice of disease

(1) If the licensee of any fish farm knows or suspects that any fish kept on the fish farm is or may be affected by any Category A disease specified as such from time to time by the Director-General by notice published in the *Gazette*, or

knows or suspects that any fish kept on the fish farm is or may be affected by any disease or condition he cannot identify, he shall, within 24 hours after the time when he discovers or first suspects the fish to be diseased, advise the Director-General, or the authorised officer specified in the licence for that purpose by the Director-General, and shall keep the fish diseased or suspected to be diseased from coming into contact with other fish.

(2) If the licensee of any fish farm knows or suspects that any fish kept on the fish farm is or may be affected by any Category B disease specified as such from time to time by the Director-General by notice published in the *Gazette*, and the fish do not respond to treatment within 14 days after the time when he discovers or first suspects the fish to be diseased, he shall, within 48 hours after the expiration of that period of 14 days, advise the Director-General or the authorised officer specified in the licence for that purpose by the Director-General, and shall keep the fish from coming into contact with other fish.

(3) In any case to which subclause (1) or subclause (2) applies, no person shall allow any water in any pond containing any such diseased fish, except when the disease is known to be *Saprolegnia*, to be discharged into any natural waters from the time the disease is first discovered until the entire outflow of all the ponds containing the diseased fish has been passed through a properly operating treatment facility and has been treated to the satisfaction of an authorised officer.

27 Preventive or remedial action

(1) Any authorised officer may from time to time, by notice in writing to the licensee of a fish farm,—

(a) require the licensee to carry out such action for the prevention of disease among the fish on the fish farm as is specified in the notice:

(b) where the authorised officer believes on reasonable grounds that any fish on the fish farm is diseased, require the licensee to carry out such action for the treatment of the disease and the decontamination of any ponds and intake and outlet structures as is specified in the notice.

(2) Where an authorised officer believes on reasonable grounds that—

(a) the fish is affected by any disease specified in a Category A notice; or

(b) the fish is affected by any disease specified in a Category B notice which cannot be treated effectively on the fish farm; or

(c) the fish is affected by any other disease of such a nature as to require his urgent action,—

he may destroy any fish stocks affected, and may take such steps as he considers necessary to decontaminate any ponds and intake and outlet structures, or may, by notice in writing to the licensee, require him to destroy those fish stocks and take such steps as are specified in the notice to decontaminate those ponds and structures.

(3) The licensee shall comply with every notice given to him under the foregoing provisions of this regulation.

Regulation 27(1)(b): amended, on 26 July 2001, by regulation 5 of the Freshwater Fish Farming Amendment Regulations 2001 (SR 2001/154).

28 Destruction of brood fish when genetic defects develop

If an authorised officer believes on reasonable grounds that any genetic defects have developed in any fish kept on a licensed fish farm, he may, with the concurrence in writing of the Director-General, destroy any brood fish on the farm from which those fish have been derived or with the like concurrence, by notice in writing to the licensee, require him to destroy the brood fish, and the licensee shall comply with the provisions of the notice.

29 No compensation for fish destroyed

No compensation shall be payable in respect of any fish destroyed by an authorised officer pursuant to subclause (2) of regulation 27 or regulation 28 or pursuant to a notice given by an authorised officer under the said subclause (2) of regulation 27 or the said regulation 28.

30 Expenses incurred in destroying diseased fish and decontaminating ponds, etc

Any expense properly incurred by an authorised officer in treating or destroying any diseased fish on a fish farm or in decontaminating any ponds or structures on any fish farm may be recovered from the licensee as a debt due to the Crown in any court of competent jurisdiction.

31 Diseased fish not to be transferred

No person shall—

(a) transfer any diseased fish from any fish farm to any other fish farm; or

(b) release into any waters any diseased fish kept on any fish farm.

32 Officers may take specimens for examination

Any authorised officer may at all reasonable times enter upon any licensed fish farm and any premises used for processing or dealing in fish from fish farms and, without payment of compensation, take for the purposes of examination a reasonable number of specimens of the fish and take samples of any food, water, soil, implements, or other relevant material kept thereon.

Part 4
Miscellaneous provisions

33 Inspection of fish farms

Subject to section 79 of the Act, any officer may at all reasonable times enter any fish farm or premises used for processing or dealing in fish from a fish farm and inspect any fish, fish pond, animal material, equipment, structures, and facilities thereon or belonging thereto and all records required to be kept pursuant to these regulations.

34 Obstructing officer

Every person commits an offence against these regulations who obstructs, hinders, threatens, or assaults any officer or authorised officer in the exercise of his powers under these regulations.

Regulation 34: amended, on 26 July 2001, by regulation 6 of the Freshwater Fish Farming Amendment Regulations 2001 (SR 2001/154).

35 Offences

(1) Every person commits an offence against these regulations who, without lawful excuse, proof of which excuse shall lie on him, acts in contravention of or fails to comply with any provision of these regulations or who fails to comply with any condition of a licence issued under these regulations.

(2) Every person who commits an offence against—

(a) these regulations (other than regulation 25(1) or (3)) is liable on conviction to a fine not exceeding $10,000:

(b) regulation 25(1) or (3) is liable on conviction to a fine not exceeding $100,000.

Regulation 35(2): substituted, on 1 October 2001, by regulation 3 of the Freshwater Fish Farming Amendment Regulations (No 2) 2001 (SR 2001/275).

Regulation 35(2)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 35(2)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

36 Cancellation of licence on conviction

(1) Where any licensee is convicted of an offence against regulation 17, regulation 21(2), regulation 26, regulation 27, regulation 28, or regulation 31, or of an offence by way of failing to comply with any condition of a licence imposed pursuant to regulation 9, his licence shall be deemed to be cancelled and shall thereupon be void and of no effect.

(2) In proceedings against any licensee for any offence referred to in subclause (1), it shall be a defence if the licensee proves that the act or omission constituting the offence was committed by an employee of the licensee without the consent

of the licensee and in breach of written instructions given to the employee of the licensee.

(3) Where any licensee is convicted of an offence against these regulations (not being an offence specified in subclause (1)), the court in its discretion, in addition to or instead of imposing any fine in respect of the offence, may cancel the licence, and thereupon the licence shall be void and of no effect.

Schedule
Fees

r 15A

Schedule: substituted, on 2 December 2004, by regulation 4 of the Freshwater Fish Farming Amendment Regulations 2004 (SR 2004/382).

Matter in respect of which fee payable		**Fee ($)**
Application for fish-farm licence under regulation 8		2,008.20
Application for variation of conditions of fish-farm licence under regulation 8 (on application of licence holder)		803.28
Application for renewal of fish-farm licence under regulation 11		803.28
Application for approval of transfer of fish-farm licence under regulation 12		803.28
Application for each approval, authority, or consent of the Director-General granted under any of regulations 17, 18, and 22—		
(a)	in respect of a single occasion or transaction only	66.94
(b)	in any other case	267.76

P G Millen,
Clerk of the Executive Council.

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Date of notification in *Gazette*: 21 December 1983.

Notes

1 General

This is a consolidation of the Freshwater Fish Farming Regulations 1983 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Criminal Procedure Act 2011 (2011 No 81): section 413

State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2011 (SR 2011/136)

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 25

Freshwater Fish Farming Amendment Regulations 2004 (SR 2004/382)

Freshwater Fish Farming Amendment Regulations (No 2) 2001 (SR 2001/275)

Freshwater Fish Farming Amendment Regulations 2001 (SR 2001/154)

Fishing Industry Board Repeal Act 2001 (2001 No 34): section 5(6)

Freshwater Fish Farming Amendment Regulations (No 2) 2000 (SR 2000/180)

Freshwater Fish Farming Amendment Regulations 2000 (SR 2000/80)

Freshwater Fish Farming Amendment Regulations (No 2) 1997 (SR 1997/288)

Freshwater Fish Farming Amendment Regulations 1997 (SR 1997/191)

Freshwater Fish Farming Regulations 1983, Amendment No 4 (SR 1996/275)

Conservation Law Reform Act 1990 (1990 No 31): section 39(1)(b)

Freshwater Fish Farming Regulations 1983, Amendment No 2 (SR 1988/322)

Freshwater Fish Farming Regulations 1983, Amendment No 1 (SR 1987/180)

Conservation Act 1987 (1987 No 65): section 65(3)

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