



Commercial Fishing (Sea Lion Exclusion Device) Amendment Regulations 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 29th day of November 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 15(2), 297, and 298 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) after consultation with the Minister of Conservation.

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Regulations

1 Title

These regulations are the Commercial Fishing (Sea Lion Exclusion Device) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 5 January 2022.

3 Principal regulations

These regulations amend the Fisheries (Commercial Fishing) Regulations 2001.

4 New regulations 58C and 58CA and cross-heading inserted

After regulation 58B, insert:

Avoidance or mitigation of fishing-related sea lion mortality

58C Sea lion exclusion devices for commercial fishing in quota management area SQU6T

- (1) For the purpose of avoiding or mitigating the fishing-related mortality of sea lions, a commercial fisher using trawl nets to catch arrow squid in quota management area SQU6T must ensure that a sea lion exclusion device is used in each trawl net.
- (2) Every sea lion exclusion device must meet the specifications set out in a circular issued under regulation 58CA.

58CA Circular may authorise specifications for sea lion exclusion devices

- (1) The chief executive may issue, amend, or revoke a circular that sets out—
 - (a) the technical specifications that apply in respect of the device required by regulation 58C; and
 - (b) how the device must be used.
- (2) A circular issued under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

5 Regulation 84 amended (Offences)

In regulation 84(3), after “58B(1),”, insert “58C(1) and (2),”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 5 January 2022, amend the Fisheries (Commercial Fishing) Regulations 2001 to require commercial fishers to use sea lion exclusion devices in trawl nets being used to catch arrow squid in quota management area SQU6T. The chief executive is empowered to issue a circular setting out the technical specifications to apply to these devices and specifying how they are to be used.

Non-compliance with the requirements relating to the use of sea lion exclusion devices is an offence attracting a penalty on conviction of \$100,000.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 1 June 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/dmsdocument/47887-Regulation-of-Sea-Lion-Exclusion-Devices-in-the-Squid-Trawl-Fishery>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 2 December 2021.

These regulations are administered by the Ministry for Primary Industries.