



Fisheries (Commercial Fishing) Amendment Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 3rd day of July 2023

Present:

The Right Hon Chris Hipkins presiding in Council

These regulations are made under sections 297 and 304 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 3 amended (Interpretation)	2
5 New regulations 80B and 80C inserted	2
<i>Surface longlining hooks</i>	
80B Use of circular or oval hooks required when surface longlining	2
80C Circulars relating to surface longlining hooks	2
6 Regulation 84 amended (Offences)	3

Regulations

1 Title

These regulations are the Fisheries (Commercial Fishing) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 3 August 2023.

3 Principal regulations

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

4 Regulation 3 amended (Interpretation)

In regulation 3, insert in its appropriate alphabetical order:

surface longlining means the use of a line—

- (a) to which hooks (whether baited or not) are attached; and
- (b) that is suspended by floats; and
- (c) that is not attached to the sea floor

5 New regulations 80B and 80C inserted

After regulation 80A, insert:

Surface longlining hooks

80B Use of circular or oval hooks required when surface longlining

Commercial fishers who are surface longlining in New Zealand fisheries waters must use a hook or hooks that—

- (a) are circular or oval in shape; and
- (b) have the point turned perpendicularly back to the shank; and
- (c) comply with the requirements set out in a circular (if any) issued under regulation 80C.

80C Circulars relating to surface longlining hooks

- (1) The chief executive may issue, amend, or revoke a circular specifying the requirements relating to hooks that commercial fishers must comply with when surface longlining in New Zealand fisheries waters.
- (2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent that is practicable in the circumstances, with any persons or organisations considered by the chief executive to be representative of the classes of persons or organisations likely to be substantially affected by the circular.

- (3) A circular issued under subclause (1) 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.

6 Regulation 84 amended (Offences)

In regulation 84(2), replace “or 80A” with “80A, or 80B”.

Diana Hawker,
Acting 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 3 August 2023, amend the Fisheries (Commercial Fishing) Regulations 2001. The amendments require the use of circular or oval hooks when commercial fishers are surface longlining, and provide for the issuing of circulars that specify the requirements for these hooks.

Non-compliance with the requirements relating to the use of circular or oval hooks is an offence attracting a penalty on conviction to a fine not exceeding \$20,000.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 6 July 2023.

These regulations are administered by the Ministry for Primary Industries.