

IN CONFIDENCE

Freshwater Fisheries Amendment Regulations 2021

Governor-General

Order in Council

At Wellington this day of 2021

Present:
in Council

These regulations are made under sections 48 and 48A of the Conservation Act 1987—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Conservation, made after complying with section 48A(1A) of that Act.

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Regulations

1 Title

These regulations are the Freshwater Fisheries Amendment Regulations 2021.

2 Commencement

These regulations come into force on 25 June 2021.

3 Principal regulations

These regulations amend the Freshwater Fisheries Regulations 1983.

4 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), replace the definition of **area of jurisdiction of the Fish and Game Council for Auckland** with:

Auckland/Waikato Rudd Area means the area defined as the Auckland/Waikato Fish and Game Region in the notice in the *Gazette* dated 24 May 1990, at page 1861, as amended by notices in the *Gazette* dated 29 August 1991, at page 2786, and 28 January 1993, at page 192

- (2) In regulation 2(1), revoke the definitions of **artificial fly, artificial minnow, assembled rod, Eastern Fish and Game Region, limit bag, size, size limit, tourist fishing licence, trout, and undersized fish.**

- (3) In regulation 2(1), definition of **open season**, replace “District Anglers Notice” with “Anglers Notice”.
- (4) In regulation 2(1), insert in its appropriate alphabetical order:
region means a fish and game region defined by notice in the *Gazette* under section 26A(1)(c)
- (5) In regulation 2(2), replace “District Anglers Notice” with “Anglers Notice”.
- (6) In regulation 2(3), replace “district” with “region”.

5 Regulation 4A amended (Special licences)

In regulation 4A(1)(b), replace “Disabled Persons Employment Promotion Act 1960” with “Disabled Persons Community Welfare Act 1975”.

6 Regulation 8 replaced (Issue of licences)

Replace regulation 8 with:

8 Issue of licences

- (1) Licences may only be issued by a Fish and Game Council or its authorised agent.
- (2) A Fish and Game Council or its authorised agent may issue a licence to an applicant who has complied with regulation 10.
- (3) Licences may be issued in electronic or non-electronic form.

7 Regulation 9 revoked (Restrictions on issue of licences)

Revoke regulation 9.

8 Regulation 10 replaced (Application for licences)

Replace regulation 10 with:

10 Application for licence

An applicant for a licence must provide the person issuing the licence with—

- (a) their full name, date of birth, and usual residential address; and
- (b) a payment of the fee fixed for the licence under section 48A(2A) of the Act.

9 Regulation 11 amended (Verification of licences)

- (1) Revoke regulation 11(1).
- (2) In regulation 11(3), replace “subclause (1)” with “regulation 8.”
- (3) After regulation 11(3), insert:
- (4) This regulation does not apply to licences issued in electronic form.

10 Regulation 13 amended (Cancellation of licences)

- (1) In regulation 13(1), replace “Any society” with “A Fish and Game Council”.
- (2) Replace regulation 13(2) with:
 - (2) A Fish and Game Council may issue a replacement licence if the council is satisfied that,—
 - (a) in relation to a licence issued in an electronic form, the licence has been deleted or has otherwise become no longer usable for subsequent reference;
 - (b) in relation to a licence issued in a non-electronic form, the licence has been lost or mutilated or become illegible.

11 Regulation 14 revoked (Licence fees)

Revoke regulation 14.

12 Regulation 16 amended (Expenditure of licence fees)

In regulation 16, replace “district of the society” with “region of the council”.

13 New regulation 19A inserted (Falsifying or omitting information relating to licences prohibited)

After regulation 19, insert:

19A Falsifying or omitting information relating to licences prohibited

- (1) A person, except a Fish and Game Council or its authorised agent, must not issue or amend a licence.
- (2) A person must not falsify or omit any information that may, under these regulations,—
 - (a) be specified in a licence; or
 - (b) be required to be provided in an application for a licence.
- (3) A person who contravenes this regulation commits an infringement offence and is liable to—
 - (a) an infringement fee of \$600; or
 - (b) a fine imposed by a court not exceeding \$1,200.

14 Regulation 20 replaced (Obligation of anglers to give name and address and to produce licence or identification)

Replace regulation 20 with:

20 Obligations of anglers

- (1) Every person taking sports fish or in possession of a rod or gear suitable for taking sports fish must, if required to do so by an officer, do all or any of the following:

- (a) give the person's full name, date of birth, and usual residential address:
 - (b) produce the person's licence:
 - (c) produce and show the contents of the person's creel or container and any lure or bait in the person's possession:
 - (d) produce, within a reasonable period, evidence of the person's full name, date of birth, and usual residential address:
 - (e) where regulation 11(2) applies, make or give legibly and clearly a specimen signature.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$200; or
 - (b) a fine imposed by a court not exceeding \$400.

15 Regulation 22 amended (No unauthorised marking of sports fish)

In regulation 22(1), replace “district” with “region”.

16 Regulation 23 replaced (Notifying details of marked fish taken)

Replace regulation 23 with:

23 Notifying details of marked fish taken

A person who takes a sports fish bearing a tag or distinguishing device during an open season must—

- (a) deliver the fish and tag or device to—
 - (i) the Fish and Game Council of the region in which it was taken; or
 - (ii) the nearest office of the Department of Conservation; or
- (b) deliver full particulars in writing of the tag or device, the place where and date on which the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish to—
 - (i) the Fish and Game Council of the region in which it was taken; or
 - (ii) the nearest office of the Department of Conservation.

17 Regulation 24 amended (Register for sports fish)

- (1) In regulation 24(1)(d), replace “the name and address” with “the full name and usual residential address”.
- (2) In regulation 24(1)(e), replace “district” with “region”.

18 Regulation 32 amended (Marking cans of sports fish)

In regulation 32(1)(b), replace “district” with “region”.

19 Regulation 37 amended (Maximum weight of canned sports fish)

Replace regulation 37(1) with:

- (1) A person must not have in their possession or at their disposal more than 50 kg gross weight of canned sports fish, including the weight of the cans.

20 Regulation 57B amended (Applications)

In regulation 57B(1)(g), replace “District Anglers Notice” with “Anglers Notice”.

21 Regulation 64 amended (No unauthorised catching or keeping of certain fish)

In regulation 64(1), replace “district” with “region”.

22 Regulation 69 amended (No taking of grayling)

In regulation 69(2)(a), replace “district” with “region”.

23 Regulation 73 amended (Defences)

In regulation 73(2), replace “District Anglers Notice” with “Anglers Notice”.

24 Schedule 1 amended

In Schedule 1, paragraph (j), replace “area of jurisdiction of the Fish and Game Council for Auckland” with “Auckland/Waikato Rudd Area”.

25 Schedule 3 amended

In Schedule 3, item relating to *Scardinius erythrophthalmus*, second column, replace “area of jurisdiction of the Fish and Game Council for Auckland” with “Auckland/Waikato Rudd Area”.

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 25 June 2021, amend the Freshwater Fisheries Regulations 1983 (the **principal regulations**). The amendments enable the online sale of freshwater sports fishing licences and make it an offence to submit false information, or omit any information, in a sports fishing licence application. The principal regulations are also amended to—

- update provisions that are out of date and to revoke redundant provisions; and
- take into account a proposal to reduce the number of fish and game regions.

Freshwater Fisheries Amendment Regulations 2021

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the Department of Conservation.