

House of Representatives

Supplementary Order Paper

Tuesday, 27 September 2022

Fisheries Amendment Bill

Proposed amendments

Hon David Parker, in Committee, to move the following amendments:

Clause 2

In *clause 2*, replace “This Act comes into force on 1 November 2022.” (page 3, line 2) with “This Act, other than the provisions specified in **subsections (2) to (4)**, comes into force on **1 November 2022**.”

In *clause 2* (page 3, before line 3), insert as subclauses (2) to (4):

- (2) **Section 30A** and **Schedule 2A** come into force on **28 November 2022**.
- (3) **Part 1 of Schedule 3** comes into force on **29 November 2022**.
- (4) The following provisions come into force at the close of **30 September 2023**:
 - (a) **section 4(1A)**;
 - (b) **section 26A**;
 - (c) **section 27** and **Schedule 1** (to the extent that they relate to **clause 3A** of Schedule 1AA).

Clause 4

After *clause 4(1)* (page 3, after line 16), insert:

- (1A) In section 2(1), definition of **fishing year**, replace paragraph (a) with:
 - (a) in relation to green-lipped mussel in quota management area 9, rock lobster, southern scallops, Northland scallops, southern blue whiting, or any stock declared under a notice made under section 18 to have a fishing year commencing on

1 April in any year, a period of 12 months commencing on each 1 April:

New clause 26A

After *clause 26* (page 18, after line 9), insert:

26A Section 369S amended (Green-lipped mussel in quota management area 9 subject to quota management system)

In section 369S(2), replace “1 October” with “1 April”.

New clause 30A

After *clause 30* (page 18, after line 21), insert:

30A Fisheries (Amateur Fishing) Regulations 2013 amended

Amend the Fisheries (Amateur Fishing) Regulations 2013 as set out in **Schedule 2A**.

Schedule 1

In *Schedule 1*, new *Part 3 of Schedule 1AA*, after *subpart 1* (page 19, after line 12), insert:

Subpart 1A—Fishing year for green-lipped mussel in quota management area 9

3A 2023–24 fishing year for green-lipped mussel in quota management area 9

Despite the definition of fishing year in section 2(1), and section 369S(2), the fishing year for green-lipped mussel in quota management area 9 for 2023–24 is the 6-month period commencing on 1 October 2023 and ending at the close of 31 March 2024.

In *Schedule 1*, new *Part 3 of Schedule 1AA*, replace *clause 4(2)* (page 19, lines 16 to 19) with:

- (2) The daily amounts, daily limits, accumulation limits, and minimum sizes specified in the regulations immediately before 29 November 2022 continue to apply until corresponding limits or sizes are enacted and brought into force by an instrument made by the Minister under the regulations.

New Schedule 2A

After *Schedule 2* (page 27, after line 23), insert:

Schedule 2A
Amendments to Fisheries (Amateur Fishing) Regulations
2013

s 30A

New regulation 16A

After regulation 16, insert:

16A Accumulation limits for hapuku/bass in Auckland (East) FMA and Auckland (West) FMA, Central FMA, and Challenger FMA

- (1) This regulation applies to a person if the person has, in the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, or the Challenger FMA,—
 - (a) accumulated hapuku/bass over a period of more than 1 day; and
 - (b) exceeded the daily limit specified for hapuku/bass in regulation 59A, Part 3 of Schedule 7, or Part 3 of Schedule 8 (as applicable); and
 - (c) established the defence set out in regulation 157(1).
- (2) The person may, on any day, possess 3 hapuku/bass (the **accumulation limit for hapuku/bass**).
- (3) A person contravenes this subclause if the person, on any day, possesses more than the accumulation limit for hapuku/bass, but not more than 3 times the accumulation limit.
- (4) A person contravenes this subclause if the person, on any day, possesses more than 3 times the accumulation limit for hapuku/bass.
- (5) A person who contravenes—
 - (a) subclause (3) commits an offence and is liable on conviction to a fine not exceeding \$10,000;
 - (b) subclause (4) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

New regulation 59A

After regulation 59, insert:

59A Daily limits for hapuku/bass and kingfish in Auckland (East) FMA and Auckland (West) FMA

- (1) The daily limits for hapuku/bass and kingfish that are set by this regulation apply in the Auckland (East) FMA and the Auckland

New regulation 59A—continued

- (West) FMA instead of the combined daily limit for hapuku/bass and kingfish that is set by regulation 55.
- (2) A person must not, on any day,—
- (a) take more than 2 hapuku/bass (the **daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA**) from the Auckland (West) FMA and the Auckland East FMA; or
 - (b) possess more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA in those areas; or
 - (c) possess more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA taken from within those areas.
- (3) A person must not, on any day,—
- (a) take more than the total quantity of kingfish specified in Part 3 of Schedule 6 (the **daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA**) from the Auckland (East) FMA and the Auckland (West) FMA; or
 - (b) possess more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA in those areas; or
 - (c) possess more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA taken from within those areas.
- (4) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA, but not more than 3 times that daily limit.
- (5) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA, but not more than 3 times that daily limit.
- (6) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times—
- (a) the daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA; or
 - (b) the daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA.
- (7) A person who contravenes—

New regulation 59A—continued

- (a) subclause (4) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
- (b) subclause (5) commits an offence and is liable on conviction to a fine not exceeding \$10,000:
- (c) subclause (6) commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000.

Regulation 78

Revoke regulation 78(2).

In regulation 78(4), delete “, the combined daily limit for hapuku/bass and kingfish,”.

Revoke regulation 78(5)(b).

Regulation 92

Revoke regulation 92(2).

In regulation 92(4), delete “, the combined daily limit for hapuku/bass and kingfish,”.

Revoke 92(5)(b).

Schedule 7

Revoke Part 2 of Schedule 7.

In Schedule 7, Part 3, after the item relating to bluenose, insert:

Hapuku/bass	2
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Schedule 8

Revoke Part 2 of Schedule 8.

In Schedule 8, Part 3, after the item relating to bluenose, insert:

Hapuku/bass	2
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Schedule 19

In Schedule 19, Part 1, after the second item relating to regulation 16(3), insert:

r 16A(3)	Possessing more than the accumulation limit for hapuku/bass, but not more than 2 times that accumulation limit	250
r 16A(3)	Possessing more than 2 times the accumulation limit for hapuku/bass, but not more than 3 times that accumulation limit	500

Schedule 19—*continued*

In Schedule 19, Part 2, after the second item relating to regulation 59(4), insert:

r 59A(4)	Taking or possessing more than the daily limit for hapuku/bass from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 2 times that daily limit	250
r 59A(4)	Taking or possessing more than 2 times the daily limit for hapuku/bass from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 3 times that daily limit	500
r 59A(5)	Taking or possessing more than the daily limit for kingfish from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 2 times that daily limit	250
r 59A(5)	Taking or possessing more than 2 times the daily limit for kingfish from or in Auckland (West) FMA and Auckland (East) FMA, but not more than 3 times that daily limit	500

In Schedule 19, Part 3, revoke the third and fourth items relating to regulation 78(4).

In Schedule 19, Part 4, revoke the third and fourth items relating to regulation 92(4).

Schedule 3

In *Schedule 3, Part 1*, after the item relating to regulation 16 (page 30, after line 4), insert:

Regulation 16A

Replace regulation 16A(1) and (2) with:

- (1) This regulation applies to a person if the person has, in the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, or the Challenger FMA,—
- (a) accumulated hapuku/bass over a period of more than 1 day; and
 - (b) exceeded the daily limit specified for hapuku/bass in an instrument made by the Minister; and

Regulation 16A—*continued*

- (c) established the defence set out in regulation 157(1).
- (2) The person may, on any day, possess the accumulation limit for hapuku/bass specified in an instrument made by the Minister for the Auckland (East) FMA and Auckland (West) FMA, the Central FMA, and the Challenger FMA (the **accumulation limit for hapuku/bass**).

In *Schedule 3, Part 1*, after the item relating to regulation 59(3)(a) (page 33, after line 11), insert:

Regulation 59A

Replace regulation 59A(2)(a) with:

- (a) take from the Auckland (West) FMA and the Auckland East FMA more than the daily limit for hapuku/bass specified in an instrument made by the Minister (the **daily limit for hapuku/bass for the Auckland (East) FMA and the Auckland (West) FMA**); or

Replace regulation 59A(3)(a) with:

- (a) take from the Auckland (East) FMA and the Auckland (West) FMA more than the daily limit for kingfish specified in an instrument made by the Minister (the **daily limit for kingfish for the Auckland (East) FMA and the Auckland (West) FMA**); or

In *Schedule 3, Part 1*, delete the item relating to regulation 78(2)(a) (page 34, lines 16 to 20).

In *Schedule 3, Part 1*, delete the item relating to regulation 92(2)(a) (page 36, lines 4 to 8).

Explanatory note

This Supplementary Order Paper amends the Fisheries Amendment Bill (the **Bill**), which amends the Fisheries Act 1996 (the **Act**) to change the commencement of the fishing year for green-lipped mussel in quota management area 9 from 1 October each year to 1 April. A consequential amendment is made to the definition of fishing year in section 2(1) of the Act. A transitional provision is inserted in Schedule 1AA of the Act to provide for a 6-month fishing year commencing on 1 October 2023. The first fishing year for green-lipped mussel in quota management area 9 to commence on 1 April commences on 1 April 2024.

This Supplementary Order Paper also includes further amendments to the Fisheries (Amateur Fishing) Regulations 2013 (the **regulations**) to provide additional protection for hapuku/bass fish stocks in the Auckland East and West, the Central, and the Challenger Fisheries Management Areas. The consultation and decision-making processes for these changes were completed in October 2021 and April 2022. Approval to instruct the drafting of the necessary amendments to the regulations was given by Cabinet Committee on 23 June 2022. However, the timing and transitional provisions

of the Bill would be likely to result in delay in making the required changes. Including the required changes to the regulations as provided in this Supplementary Order Paper allows the changes to be made and then carried over under the transitional provisions in the Bill that apply to existing sustainability measures.