



# Fisheries (Reporting) Regulations 2017

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 10th day of July 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 296B, 297, and 304 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) in relation to the item in Schedule 3 relating to the Fisheries (Transfer of Functions, Duties, and Powers to Commercial Fisheries Services Limited) Order 2013, on the recommendation of the Minister for Primary Industries made after complying with section 296B of the Fisheries Act 1996.

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## Regulations

### 1 Title

These regulations are the Fisheries (Reporting) Regulations 2017.

### 2 Commencement

These regulations come into force on 1 October 2017.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Fisheries Act 1996

**auditor** means an auditor appointed under regulation 26

**circular** means a circular issued by the chief executive under regulation 47

**client details annual update form** means the approved form for updating client details under regulation 34

**client number** means the unique identification number assigned by the chief executive to a person who is included in any class listed in section 189 of the Act

**destination type code** means a code, as specified in a circular, that identifies a particular type of landing or disposal (as defined by regulation 10(4))

**electronic reporting requirements** means the technical requirements for electronic reporting that are specified in a circular

**fish** includes seaweed

**fishing method** has the meaning given by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

**fishing trip** or **trip**, in relation to a trip undertaken by a permit holder for the purpose of fishing, means a period that,—

(a) if the permit holder uses a vessel,—

(i) starts when the vessel—

(A) leaves any place at which the vessel is moored or berthed or launched; or

(B) enters the exclusive economic zone through its seaward boundary; and

(ii) ends when the vessel—

(A) returns to a place at which the permit holder using the vessel is permitted to land fish and any fish is removed from the vessel or the vessel with fish on board is removed from the water; or

- (B) having been granted approval under section 110 of the Act, leaves the exclusive economic zone by its seaward boundary:
- (b) if the permit holder does not use a vessel,—
  - (i) starts when the permit holder begins fishing; and
  - (ii) ends when the permit holder returns to a place where the permit holder may—
    - (A) land the fish in accordance with the conditions of their permit; or
    - (B) hold the fish in a holding container

**holding container—**

- (a) means any container on land or in water that is used primarily for storing (but not transporting) fish or fish product; and
- (b) includes—
  - (i) a freezer or chiller on land;
  - (ii) a live fish holding tank on land;
  - (iii) a holding pot in the sea or other waters;
  - (iv) a sack, net, or trap used to store live freshwater eels

**landed state** means the state of fish or fish product when it is landed, having regard to the degree or amount of any processing of the fish since it was taken

**landing** has the meaning given by regulation 4

**licensed fish receiver—**

- (a) means a person who holds a fish receiver's licence under the Fisheries (Licensed Fish Receivers) Regulations 1997; and
- (b) includes a person who acts as an employee or agent of a person described in paragraph (a)

**licensed fish receiver details annual update form** means the approved form for updating licensed fish receiver details under regulation 35

**permit holder—**

- (a) means—
  - (i) a person who holds a fishing permit issued under section 91 of the Act;
  - (ii) a person who holds a high seas fishing permit issued under section 113H of the Act; and
- (b) includes a person who acts as an employee or agent of a person described in paragraph (a)

**related party** has the meaning given by regulation 26(4)

**report** means a report or return of a kind described in regulation 6

**type of fish** means the species or fishstock to which a fish belongs, whichever form of identification is required by a circular.

#### **4 Meaning of landing**

(1) In these regulations, **landing** means,—

- (a) in relation to fish taken using a vessel, except in the fresh waters within New Zealand,—
  - (i) the removal of a vessel containing fish from New Zealand fisheries waters for the purpose of moving the vessel to any place in New Zealand; or
  - (ii) the removal or discharge of fish from a vessel (other than by placing the fish in a holding container); or
  - (iii) the removal of a vessel containing fish from New Zealand fisheries waters under an approval granted under section 110 of the Act; or
  - (iv) the disposal, or loss from the permit holder's possession, of fish that had been placed in a holding container on land:
- (b) in relation to fish taken without using a vessel, or taken using a vessel in the fresh waters within New Zealand,—
  - (i) the disposal or loss of fish from the permit holder's possession (including fish held by the permit holder in a holding container); or
  - (ii) the removal of fish from the immediate vicinity of the body of water from which the fish was taken.

(2) For the purposes of subclause (1)(a)(ii), fish must be treated as being removed or discharged from a vessel if—

- (a) the vessel ceases to be registered or is re-registered under the Act, for whatever reason and by whatever mechanism; or
- (b) fish are held on board the vessel at the close of a fishing year and the vessel is operated by, or on behalf of, a person who, during the fishing year ending on that day, has held 100 000 kg or more of annual catch entitlement under the Act.

#### **5 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

#### **6 Kinds of reports**

The kinds of reports provided for by these regulations are—

*Event reports*

- (a) fish catch reports (*see* regulation 7):
- (b) non-fish species or protected fish species catch reports (*see* regulation 8):
- (c) processing reports (*see* regulation 9):
- (d) disposal reports (*see* regulation 10):
- (e) landing reports (*see* regulation 11):

*Monthly reports*

- (f) monthly harvest returns (*see* regulations 13 and 14):
- (g) licensed fish receiver returns (*see* regulation 20):

*Annual reports*

- (h) licensed fish receiver annual inventory returns (*see* regulation 23):
- (i) licensed fish receiver annual audit reports (*see* regulation 25):
- (j) client details annual update forms (*see* regulation 34):
- (k) licensed fish receiver details annual update forms (*see* regulation 35):

*Amendments*

- (l) amendments to any of the reports referred to in paragraphs (a) to (k) (*see* regulation 38).

## Part 1

### Event reports

#### 7 Fish catch reports

- (1) A permit holder must provide a fish catch report to the chief executive each time the permit holder fishes under their permit.
- (2) The report must record—
  - (a) the type of fish that the permit holder intends to take; and
  - (b) the date and time of when and location of where the fishing starts; and
  - (c) the date and time of when and location of where the fishing ends; and
  - (d) any additional information specified in a circular.
- (3) The permit holder must—
  - (a) record the information referred to in subclause (2)(a) and (b) immediately after the fishing starts; and
  - (b) record the information referred to in subclause (2)(c) immediately after the fishing ends; and
  - (c) record the information referred to in subclause (2)(d) within 4 hours after the fishing ends; and

- (d) provide the fish catch report to the chief executive before the close of the day on which the information referred to in paragraph (c) must be recorded.
- (4) This regulation does not apply to fish that must be recorded in a report under regulation 8.

## **8 Non-fish species or protected fish species catch reports**

- (1) A permit holder must provide a non-fish species or protected fish species catch report to the chief executive each time the permit holder catches (whether intentionally or not) 1 or both of the following:
  - (a) a non-fish species that is specified in a circular;
  - (b) a fish species that is declared to be a protected fish species by a circular.
- (2) The report must record—
  - (a) the species and quantities caught; and
  - (b) the fishing method that resulted in the catch; and
  - (c) the date, time, and location of the fishing; and
  - (d) any additional information specified in a circular.
- (3) The permit holder must complete and provide the report to the chief executive before the close of the day on which the permit holder becomes aware of the catch.

## **9 Processing reports**

- (1) A permit holder must provide a processing report to the chief executive each time both of the following apply:
  - (a) the permit holder processes fish on board a vessel; and
  - (b) the vessel is on a fishing trip during which fishing operations of a kind specified in a circular have been undertaken.
- (2) The report must record—
  - (a) the date on which the fish is processed; and
  - (b) the types of fish processed and their quantities; and
  - (c) the processed states of the fish; and
  - (d) any additional information specified in a circular.
- (3) The permit holder must complete and provide the report to the chief executive—
  - (a) before the close of the day covered by the report; or
  - (b) if the processing starts on one day and ends on another day, before the close of the day on which the processing ends.

## 10 Disposal reports

- (1) A permit holder must provide a disposal report to the chief executive each time the permit holder—
  - (a) returns, abandons, or accidentally loses fish to or in the sea or other waters; or
  - (b) stores fish in a holding pot in the sea or other waters; or
  - (c) uses fish (for example, as food or bait) during the trip on which the fish was taken.
- (2) The report must record,—
  - (a) for all disposals,—
    - (i) the types of fish disposed of and their estimated quantities; and
    - (ii) the fish catch report (if any) that related to the fish; and
    - (iii) the destination type code; and
  - (b) for disposals under subclause (1)(b), the date, time, and location of the disposal; and
  - (c) for disposals specified in a circular, any additional information specified in a circular.
- (3) The permit holder must—
  - (a) complete the report within 1 hour after the disposal is finished; and
  - (b) provide the report to the chief executive before the close of the day on which the report must be completed.
- (4) In this regulation, **disposal** means any of the actions described in subclause (1)(a) to (c).

## 11 Landing reports

- (1) A permit holder must provide a landing report to the chief executive each time the permit holder lands fish or fish product.
- (2) The report must record—
  - (a) the types of fish or fish product landed and their quantities; and
  - (b) the date of the landing; and
  - (c) the destination type code; and
  - (d) any additional information specified in a circular.
- (3) The permit holder must—
  - (a) record the information referred to in subclause (2)(a) to (c) immediately after the landing is finished; and
  - (b) record the information referred to in subclause (2)(d) as soon as is practicable; and
  - (c) provide to the chief executive—

- (i) the information referred to in paragraph (a) immediately after it is recorded; and
  - (ii) the information referred to in paragraph (b) by the close of the day on which it must be recorded.
- (4) This regulation does not apply to a landing that is also a disposal for the purposes of regulation 10.

## **12 Event reports must be completed and provided electronically**

- (1) A report under this Part must be completed and provided electronically.
- (2) *See* regulation 41 for the obligation to comply with the electronic reporting requirements.

## **Part 2 Monthly reports**

### *Monthly harvest returns*

## **13 Monthly harvest returns: who must provide them**

- (1) A person must complete a monthly harvest return and provide it to the chief executive if the person—
  - (a) is a permit holder; or
  - (b) has been granted an approval under section 110 of the Act that contains a condition requiring the person to provide monthly harvest returns; or
  - (c) has been issued with a special permit under section 97 of the Act that contains a condition requiring the person to provide monthly harvest returns; or
  - (d) is advised by the chief executive in writing that the person must provide monthly harvest returns; or
  - (e) is an operator who, being a New Zealand national using a New Zealand ship, takes any highly migratory species that is—
    - (i) subject to the quota management system outside New Zealand fisheries waters; and
    - (ii) taken outside New Zealand fisheries waters; and
    - (iii) taken for the purpose of sale.
- (2) However, subclause (1)(e) does not apply, and no monthly harvest return is required, if the operator proves to the satisfaction of the chief executive that—
  - (a) the operator was authorised to take the species in the national fisheries jurisdiction of another State; and
  - (b) if the other State has a national allocation for the species taken, the catch was recorded against the other State's allocation; and

- (c) the other State has agreed to comply with all of the conservation and management measures of the competent regional fisheries management organisation for the species.

Compare: SR 2001/188 r 7

#### **14 Monthly harvest returns: content and timing requirements**

- (1) A person required to provide monthly harvest returns must—
  - (a) complete a return for each month; and
  - (b) provide the return to the chief executive no later than 15 days after the last day of the month.
- (2) A return must record—
  - (a) the types of fish taken during the month and their quantities; and
  - (b) information identifying any vessels used to take the fish.
- (3) A return need not record—
  - (a) fish that is recorded in another report under these regulations and for which the appropriate destination type code is specified in a circular; or
  - (b) fish that is on board a vessel whose fishing trip spans a month; or
  - (c) fish that is—
    - (i) taken outside New Zealand fisheries waters; and
    - (ii) not subject to the quota management system outside New Zealand fisheries waters; or
  - (d) fish that is taken or retained by an observer under Part 12 of the Act.
- (4) If the exception in subclause (3)(a) or (b) ceases to apply, a person who subsequently lands that fish must—
  - (a) include the fish in the monthly harvest return for the month in which the exception ceased to apply; and
  - (b) comply with subclause (1)(b).
- (5) If subclause (4) applies to fish that is initially landed by being transferred from one vessel to another, the fish must be recorded—
  - (a) by the person who took the fish; but
  - (b) in the monthly harvest return for the month in which the fish was subsequently landed.
- (6) If no fish are required to be reported for a month, the return must—
  - (a) record the month and year to which the return relates; and
  - (b) be clearly marked as a nil return; and
  - (c) be signed and dated by, or on behalf of, the person required to make the return.

Compare: SR 2001/188 r 7

**15 Monthly harvest returns must be provided using return books**

A person required to provide a monthly harvest return must—

- (a) obtain a return book for the return from the chief executive; and
- (b) record the required information—
  - (i) in a legible and durable manner; and
  - (ii) in accordance with any notes of the kind described in regulation 16(2)(a)(ii); and
- (c) provide to the chief executive the top, or original, copy of the information recorded.

Compare: SR 2001/188 r 30

**16 Chief executive must supply return books**

- (1) The chief executive must ensure that return books in the form specified in a circular are available for monthly harvest returns and monthly harvest return amendments (*see* regulation 38).
- (2) The chief executive may, if the chief executive thinks fit,—
  - (a) include within, or make separately available with, a return book—
    - (i) a copy or summary of any of the provisions of these regulations:
    - (ii) explanatory notes explaining terms used in the form, or explaining or elaborating on the manner in which the return must be completed or provided:
  - (b) state in any language other than English, either in addition to or in replacement of the English version, any of the matters contained in—
    - (i) the forms in a return book; or
    - (ii) any material referred to in paragraph (a).

Compare: SR 2001/188 r 29

**17 Return books must be retained**

A permit holder must retain a return book for monthly harvest returns until the last form contained in the book is completed.

Compare: SR 2001/188 r 31

**18 Chief executive may authorise monthly harvest returns to be sent to different places**

The chief executive may, on request, authorise a person in writing to send 1 or more of the person's monthly harvest returns to a place other than the place notified by the chief executive under section 295 of the Act.

Compare: SR 2001/188 r 33

**19 Chief executive may direct that monthly harvest returns be provided electronically**

- (1) After consulting the Minister, the chief executive may by notice—
  - (a) direct a person or class of persons to complete and provide monthly harvest returns electronically; and
  - (b) in making a direction under paragraph (a), direct that the monthly harvest returns be provided within periods or on dates determined by the chief executive and specified in the notice.
- (2) A notice must—
  - (a) be given in writing to the person, if the direction relates to a person;
  - (b) be published on an Internet site maintained by or on behalf of the Ministry, if the direction relates to a class of persons.
- (3) A notice given under subclause (1) must specify the date on and from which the direction applies.
- (4) A person who is subject to a direction under this regulation must comply with the direction.
- (5) *See regulation 41 for the obligation to comply with the electronic reporting requirements.*

Compare: SR 2001/188 r 41F

*Licensed fish receiver returns***20 Licensed fish receiver returns**

- (1) A licensed fish receiver must—
  - (a) complete a licensed fish receiver return for each month; and
  - (b) provide the return to the chief executive no later than 15 days after the last day of the month.
- (2) A return must record—
  - (a) the types of fish received during the month and their quantities; and
  - (b) information identifying the permit holders who supplied the fish.
- (3) If no fish are received in a month, the return must—
  - (a) record the month and year to which the return relates; and
  - (b) be clearly marked as a nil return; and
  - (c) be signed and dated by the licensed fish receiver.

Compare: SR 2001/188 r 16

**21 Licensed fish receiver returns must be provided electronically**

- (1) A licensed fish receiver return must be completed and provided electronically.

- (2) See regulation 41 for the obligation to comply with the electronic reporting requirements.

### **Part 3**

#### **Annual reports**

##### *Annual inventory returns*

#### **22 Annual stocktakes for purpose of providing annual inventory returns**

- (1) A licensed fish receiver must, at least once during each fishing year, carry out a physical stocktake in accordance with this regulation for the purpose of providing an annual inventory return under regulation 23.
- (2) The physical stocktake—
- (a) may be undertaken on any date within the fishing year that the licensed fish receiver determines, being a date that is at least 6 months after the date of any previous stocktake for which an annual inventory return was provided under regulation 23; and
  - (b) must be undertaken on the same day for all operating premises and storage locations of the licensed fish receiver; and
  - (c) must cover all categories of inventory owned, and all categories of inventory held, by the licensed fish receiver on the date of the stocktake, including the following categories:
    - (i) processed fish ready for sale:
    - (ii) fish in the course of being processed:
    - (iii) unprocessed fish:
    - (iv) fish in transit (being fish that is being transported from one location to another, whether or not either location is owned by the licensed fish receiver):
    - (v) fish owned by the licensed fish receiver but held by a person other than the licensed fish receiver:
    - (vi) fish held by the licensed fish receiver but owned by another person:
    - (vii) bait:
    - (viii) any other category of fish not included in the categories set out in subparagraphs (i) to (vii).

Compare: SR 2001/188 r 17

#### **23 Licensed fish receivers must provide annual inventory returns**

- (1) A licensed fish receiver must provide to the chief executive an annual inventory return for each fishing year.

- (2) An annual inventory return for a fishing year must—
  - (a) relate to the physical stocktake carried out in accordance with regulation 22; and
  - (b) be provided to the chief executive in the same manner and at the same time as the audit report provided under regulation 31.
- (3) An annual inventory return must record, for all categories of fish referred to in regulation 22(2)(c), the following information:
  - (a) the species and state of all the fish;
  - (b) the number of fish containers, the net weight of the fish in each container, and the total net weight of each species of fish;
  - (c) in the case of fish in transit, the locations to and from which the fish is being transported, and the name of the carrier;
  - (d) in the case of fish held by a person other than the licensed fish receiver, sufficient details to identify that person and the location where the fish is held;
  - (e) in the case of fish held but not owned by the licensed fish receiver, sufficient details to identify the owner, species, state, and weight of all fish held on behalf of the owner.
- (4) A nil return must be provided for a nil inventory.
- (5) An annual inventory return must—
  - (a) certify that the physical stocktake to which the return relates was undertaken on the date stated on the return; and
  - (b) certify that the return does not contain false or misleading information, and is a true representation of all inventory owned and all inventory held by the licensed fish receiver on that date; and
  - (c) be signed by the licensed fish receiver.

Compare: SR 2001/188 r 18

## **24 Chief executive may require further annual inventory returns**

- (1) If the chief executive considers on reasonable grounds that an annual inventory return fails to meet the requirements of these regulations, the chief executive may, by notice in writing, require the licensed fish receiver concerned—
  - (a) to provide a fresh return for the matters stated in the notice; or
  - (b) to undertake, within the same fishing year, another physical stocktake, and to provide an annual inventory return for that stocktake.
- (2) A notice given under subclause (1)(a) must state the manner and form in which the return must be completed, and a reasonable time within which the return must be provided.

- (3) A licensed fish receiver who receives a notice given under subclause (1) must comply with the notice.

Compare: SR 2001/188 r 19

### *Annual audit reports*

## **25 Licensed fish receivers must be audited and provide annual audit reports**

- (1) A licensed fish receiver must—
- (a) carry out an annual audit of the licensed fish receiver's fish-related operations for each fishing year; and
  - (b) no later than 30 November in each year, provide to the chief executive an annual audit report or reports about those operations.
- (2) There must be a minimum period of 6 months between audits for different fishing years.
- (3) The first audit of a newly licensed fish receiver must be carried out within 6 months after the granting of the fish receiver's licence.

Compare: SR 2001/188 r 20

## **26 Licensed fish receivers must appoint suitably qualified persons as auditors**

- (1) A licensed fish receiver must appoint a suitably qualified person to carry out an audit of the licensed fish receiver's fish-related operations, and make a report on that audit.
- (2) A person is suitably qualified only if—
- (a) the person holds a certificate, degree, diploma, registration, or similar qualification, whether obtained in New Zealand or elsewhere, that is relevant to the current practices of accounting and auditing; or
  - (b) the person is sufficiently skilled in the specialised areas of identifying and interpreting the systems and relevant internal controls of the business activities of a licensed fish receiver to give a reasoned opinion on the adequacy of those systems and internal controls.
- (3) A licensed fish receiver may not appoint as an auditor a person who—
- (a) has a close relationship to the licensed fish receiver; or
  - (b) is an officer, employee, or shareholder of the licensed fish receiver; or
  - (c) is a person associated (in terms of paragraph (a) or (b)) with a related party.
- (4) In this regulation,—
- close relationship** means that a person is—
- (a) a subsidiary of the licensed fish receiver; or
  - (b) a company of which the licensed fish receiver is a subsidiary; or

- (c) a partnership or an unincorporated joint venture that would be a subsidiary described in paragraph (a) or (b) if the partnership or joint venture were incorporated as a company with shareholdings corresponding to the interests, including returns, of the partners in the partnership or participants in the joint venture

**related party—**

- (a) means—
  - (i) any person who has the ability, directly or indirectly, to control or exercise significant influence over the licensed fish receiver in making operating, investing, or financing decisions;
  - (ii) any person over whom the licensed fish receiver has the ability, directly or indirectly, to control or exercise significant influence of the kind described in subparagraph (i);
  - (iii) any person who, together with the licensed fish receiver, is subject to common control or significant influence of the kind described in subparagraph (i) by a third party; and
- (b) includes the persons described in subclause (3)

**subsidiary** has the meaning given by section 5(1) of the Companies Act 1993.

Compare: SR 2001/188 r 21

## **27 Contents of audit reports**

- (1) An audit report must contain the information and documentation set out in Schedule 2 under each of the following section headings:
  - (a) systems section;
  - (b) internal controls section;
  - (c) supporting information section.
- (2) An audit report, including each section of the report, must clearly identify the premises to which the report or section relates.

Compare: SR 2001/188 r 22

## **28 Audit reports for multiple premises**

- (1) If a licensed fish receiver operates from more than 1 set of premises,—
  - (a) only 1 audit report need be made and provided for all of the premises if the fish-related operations in all of the premises are substantially the same in relation to the nature of the species dealt with and the nature of the handling and processing operations for those species; but
  - (b) if different systems or subsystems of documentation, internal controls, or disposal and selling methods apply in those premises, the relevant information relating to each system and subsystem must be reported on separately in the audit report.

- (2) An audit report, including each separate section of the report, must clearly identify the premises to which it applies and the location of the premises.

Compare: SR 2001/188 r 23

## **29 Licensed fish receivers must certify audit reports**

- (1) After receiving an audit report, a licensed fish receiver must certify that the licensed fish receiver has read, understood, and, subject to any reservations noted by the licensed fish receiver, accepted the results of the report.
- (2) If the licensed fish receiver does not accept any or all of the results of the audit, the licensed fish receiver must, in writing, identify and record the areas of non-acceptance, giving reasons.

Compare: SR 2001/188 r 24

## **30 Licensed fish receivers must provide rectification reports if appropriate**

- (1) This regulation applies if an auditor identifies in an audit report—
  - (a) a deficiency in the nature and extent of the audit; or
  - (b) a failure to comply with any of the Fisheries (Recordkeeping) Regulations 1990.
- (2) The licensed fish receiver must provide to the chief executive—
  - (a) the audit report in accordance with regulation 31; and
  - (b) a separate rectification report outlining the steps taken or proposed to be taken to rectify the deficiency or failure to comply.

Compare: SR 2001/188 r 25

## **31 Audit reports, etc, must be provided to chief executive within 21 days after receipt from auditor**

- (1) Within 21 days after receiving an audit report from an auditor, a licensed fish receiver must provide to the chief executive—
  - (a) the audit report; and
  - (b) the certification and any written reservations referred to in regulation 29; and
  - (c) any rectification report required by regulation 30; and
  - (d) the annual inventory return for that fishing year required by regulation 23.
- (2) A licensed fish receiver must, either on or before the day on which the audit report is provided to the chief executive, advise the chief executive in writing of—
  - (a) the name of the auditor; and
  - (b) any professional qualifications held by the auditor; and

- (c) the reasons why the licensed fish receiver considers the auditor to be suitably qualified.

Compare: SR 2001/188 r 26

### **32 Exemptions for up to 2 years on application**

- (1) The chief executive may, on application by a licensed fish receiver, exempt the licensed fish receiver from the requirement under regulation 25 to be audited and to provide an audit report.
- (2) Before granting an exemption, the chief executive must—
  - (a) be satisfied that the exemption is reasonably necessary to address the matters giving rise to the exemption; and
  - (b) have regard to the purpose of these regulations.
- (3) An exemption—
  - (a) must be in writing; and
  - (b) must be for no longer than 2 years; and
  - (c) may be granted subject to any terms and conditions that the chief executive may reasonably impose.
- (4) Before granting an exemption, the chief executive may require the licensed fish receiver to supply any information that the chief executive requires, including—
  - (a) information about the nature of the licensed fish receiver's business; and
  - (b) information about any changes (or intended changes) to the licensed fish receiver's business.
- (5) The chief executive may revoke an exemption at any time if the chief executive is satisfied that—
  - (a) the licensed fish receiver has breached any conditions on which the exemption was granted; or
  - (b) the nature of the licensed fish receiver's business has so changed that the basis on which the exemption was granted to the licensed fish receiver no longer applies; or
  - (c) the licensed fish receiver has been convicted of an offence against the Act or any regulations made under the Act; or
  - (d) the integrity of the fisheries compliance system may be put at risk if the exemption granted to the licensed fish receiver were to continue.

Compare: SR 2001/188 r 26A

*Exemptions: annual inventory returns and annual audit reports***33 Exemptions on grounds of hardship or impracticability**

- (1) The chief executive may exempt a licensed fish receiver or class of licensed fish receivers from the need to comply with the requirement to provide an annual inventory return or annual audit report if the chief executive is satisfied that—
  - (a) compliance with any requirement of regulations 22 to 31 would cause undue hardship or would be impracticable; and
  - (b) the exemption is no broader than is reasonably necessary to address the matters giving rise to the exemption; and
  - (c) the purpose behind the requirement would be equally well achieved by some other method.
- (2) An exemption may apply to 1 or more of the following:
  - (a) a particular licensed fish receiver or a class of licensed fish receivers;
  - (b) fish generally or a species or other class of fish;
  - (c) particular premises or a class of premises.
- (3) An exemption—
  - (a) must be in writing; and
  - (b) if it relates to a class of persons, may be published—
    - (i) on an Internet site maintained by or on behalf of the Ministry; or
    - (ii) in any New Zealand publication that relates primarily to commercial fishing; and
  - (c) must specify a date on which it expires; and
  - (d) may be granted subject to any conditions that the chief executive may reasonably impose; and
  - (e) may be amended or revoked to reflect changed circumstances.

Compare: SR 2001/188 r 27

*Annual update forms***34 Client details annual update forms**

- (1) A person who has a client number must complete and provide to the chief executive a client details annual update form within 14 days after receiving a written request from the chief executive to do so.
- (2) A person to whom a new client number is issued must complete and provide to the chief executive those details required by the chief executive on the form.

- (3) A person who has a client number must advise the chief executive within 1 month of any changes to the person's information.

Compare: SR 2001/188 r 14

### **35 Licensed fish receiver details annual update forms**

- (1) A licensed fish receiver must complete and provide to the chief executive a licensed fish receiver details annual update form within 14 days after receiving a written request from the chief executive to do so.
- (2) If a licensed fish receiver licence is issued for a period of more than 1 year, the chief executive must request in writing that a licensed fish receiver details annual update form be provided annually.
- (3) A licensed fish receiver must advise the chief executive as soon as practicable of any changes to the information on their licensed fish receiver details annual update form.

Compare: SR 2001/188 r 15

## **Part 4 Reports generally**

### *All reports*

### **36 Reports must record identifying information**

A report must record, as specified in a circular, information identifying—

- (a) the person who is required to provide it; and
- (b) if it is a report under Part 1 and the activity to which the report relates was carried out on or using a vessel, the vessel and its master.

### **37 Reports must be in required manner and form**

A report must record the information required by these regulations in the manner and form specified in a circular.

### **38 Reports may be amended**

- (1) A person required to provide a report may amend the report if—
- (a) the person considers that the report contains an error; and
  - (b) the chief executive has received and accepted the report.
- (2) An amendment must—
- (a) be provided to the chief executive in the same manner as the report was provided; and
  - (b) if the amendment relates to a monthly harvest return made using a return book, be completed using a return book for amendments that is made available by the chief executive (*see* regulation 16).

**39 Reports must be retained for 7 years**

- (1) A person required to provide a report must retain a copy of the report for at least 7 years after the date of completion of the report.
- (2) Subclause (1) does not apply to—
  - (a) a monthly harvest return; or
  - (b) a licensed fish receiver return; or
  - (c) an amendment to a return referred to in paragraph (a) or (b).

Compare: SR 2001/188 r 34

**40 Reports may be inspected**

A person who is required to provide a report or who has custody of a report must, on request by the chief executive or a fishery officer,—

- (a) immediately produce for inspection the report that is the subject of the request (whether original or in copy, and whether or not completed or already provided to the chief executive); and
- (b) cause or allow copies to be taken of the report.

Compare: SR 2001/188 r 35

*Electronic reports***41 Reports must be provided in accordance with electronic reporting requirements**

A person required to provide a report electronically must do so in accordance with the electronic reporting requirements.

**42 Identity of persons and devices providing reports must be notified to chief executive**

- (1) A person to whom regulation 41 applies must notify the chief executive in writing of—
  - (a) the identity of any employee or agent authorised to provide the report on the person's behalf; and
  - (b) the identifier of any device used to provide the report.
- (2) The report must be made—
  - (a) personally by the person required to provide it or by a person whose identity has been notified to the chief executive in accordance with subclause (1)(a); and
  - (b) using a device whose identifier has been notified to the chief executive in accordance with subclause (1)(b).

**43 Chief executive must be notified of technical failure, etc**

If a person to whom regulation 41 applies is unable to provide the report by the applicable deadline due to an accident, or a mechanical or technical failure, the person must, as soon as practicable,—

- (a) notify the chief executive of the reason why the person is unable to provide the report by the deadline; and
- (b) provide the chief executive with the report in accordance with regulations 41 and 42.

*Chief executive's powers***44 Chief executive may give directions as to manner of completing reports**

- (1) If the chief executive considers that a person required to provide reports under these regulations has not completed or provided any report or part of a report in compliance with these regulations,—
  - (a) the chief executive may, by notice in writing, require the person to provide to the chief executive a fresh report completed in compliance with these regulations and provided within a reasonable time that may be directed by the chief executive; and
  - (b) the person must provide the fresh report in accordance with the direction of the chief executive.
- (2) If the chief executive considers that a person required to provide reports under these regulations is not or has not been completing reports in compliance with these regulations,—
  - (a) the chief executive may, by notice in writing, direct the person as to how reports must be completed in order to comply with these regulations; and
  - (b) the person must subsequently ensure that reports provided by the person comply with that direction.

Compare: SR 2001/188 r 39

**45 Chief executive may specify different intervals, periods, or dates for completing or providing reports**

- (1) If the chief executive considers it necessary or desirable to assist in the utilisation, while ensuring the sustainability, of any fishery resource,—
  - (a) the chief executive may, by notice in writing to a person required to provide reports under these regulations, direct the person to complete and provide reports of any kind at the intervals, periods, or dates that the chief executive may determine; and
  - (b) the person must subsequently complete and provide reports in accordance with that direction.

- (2) If a person is required to provide any report under this regulation, nothing in Parts 1 to 3 requires the person to provide a report of the same kind for any event or period covered by the report required under this regulation, unless the chief executive stipulates otherwise.

Compare: SR 2001/188 r 40

#### **46 Exemptions**

- (1) The chief executive may exempt a person or class of persons from compliance with all or any of the requirements under these regulations if the chief executive is satisfied that—
- (a) compliance with any requirement of these regulations would cause undue hardship or would be unduly impracticable; and
  - (b) the exemption is no broader than is reasonably necessary to address the matters giving rise to the exemption; and
  - (c) the exemption would not unduly prejudice the management and conservation of any fishery resource.
- (2) An exemption—
- (a) must be in writing; and
  - (b) if it relates to a class of persons, may be published—
    - (i) on an Internet site maintained by or on behalf of the Ministry; or
    - (ii) in any New Zealand publication that relates primarily to commercial fishing; and
  - (c) must specify a date on which it expires; and
  - (d) may be granted subject to any conditions that the chief executive may reasonably impose; and
  - (e) may be amended or revoked to reflect changed circumstances.

Compare: SR 2001/188 r 41

#### **47 Circulars**

- (1) The chief executive may issue, amend, or revoke circulars for 1 or more of the following purposes:
- (a) specifying the manner and form in which a report must be completed, including—
    - (i) whether types of fish must be identified by species or fishstock;
    - (ii) how locations must be identified (for example, by latitude and longitude);
    - (iii) the units of measurement that must be used;
    - (iv) the relevant categories for certain information (for example, the relevant processed states of fish);

- (v) the codes that must be used (for example, destination type codes and codes for fishstocks):
    - (vi) limits on the number of items that must be recorded (for example, the number of types of fish):
    - (vii) the identifying information required by regulation 14(2)(b), 20(2)(b), or 36:
  - (b) specifying additional information that relates to the subject matter of a report under Part 1 and must be recorded in it:
  - (c) specifying technical requirements for electronic reporting, including requirements relating to—
    - (i) the devices used to complete and provide reports:
    - (ii) the software used to complete and provide reports:
    - (iii) the computer file format of reports:
    - (iv) the encryption and security of files containing reports:
  - (d) specifying non-fish species or declaring protected fish species for the purposes of regulation 8(1)(a) or (b):
  - (e) specifying kinds of fishing operations for the purposes of regulation 9(1)(b):
  - (f) specifying destination type codes for the purposes of regulation 14(3)(a).
- (2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent practicable, any persons considered by the chief executive to be representative of the classes of persons likely to be substantially affected by the circular.
- (3) The chief executive must publish, on an Internet site maintained by or on behalf of the Ministry,—
- (a) notice of the issue, amendment, or revocation of a circular; and
  - (b) an up-to-date version of the circular.

## **Part 5**

### **Offences**

#### **48 Offences**

A person commits an offence if the person—

*Low penalty*

- (a) fails to comply with the requirements of any of regulations 17, 25(2), 34 to 37, 39, and 40:

*Medium penalty*

- (b) provides a report required by any of regulations 7 to 11 late, but within 14 days after the date on which it was due:
- (c) provides a return required by regulation 14 or 20 late, but within 1 month after the date on which it was due:
- (d) provides an annual audit report required by regulation 25(1) late, but within 2 months after the date on which it was due:
- (e) carries out the first audit of a newly licensed fish receiver late, but within 1 month after the end of the period specified in regulation 25(3):
- (f) fails to comply with the requirements of any of regulations 7(3)(a) to (c), 10(3)(a), 11(3)(a) and (b), 12, 19(4), 21, 23(2)(b), 24(3), and 41 to 44:

*High penalty*

- (g) fails to provide a report required by any of regulations 7 to 11 before, on, or within 14 days after the date on which it was due:
- (h) fails to provide a return required by regulation 14 or 20 before, on, or within 1 month after the date on which it was due:
- (i) fails to provide an annual audit report required by regulation 25(1) before, on, or within 2 months after the date on which it was due:
- (j) fails to carry out the first audit of a newly licensed fish receiver before, at, or within 1 month after the end of the period specified in regulation 25(3):
- (k) fails to comply with the requirements of any of regulations 26 to 31 and 45(1)(b).

**49 Penalties**

A person who commits an offence against—

- (a) regulation 48(a) is liable on conviction to a fine not exceeding \$10,000:
- (b) any of paragraphs (b) to (f) of regulation 48 is liable on conviction to a fine not exceeding \$20,000:
- (c) any of paragraphs (g) to (k) of regulation 48 is liable on conviction to a fine not exceeding \$100,000.

**50 Defence**

It is a defence to a prosecution for an offence against regulation 48 if the defendant proves that—

- (a) the offence occurred as a result of an accident, or a mechanical or technical failure (other than a mechanical or technical failure of a nature that could have been avoided with adequate maintenance); and
- (b) the defendant acted reasonably in the circumstances.

**51 Amendments to other enactments**

Amend the enactments specified in Schedule 3 as set out in that schedule.

**52 Revocation**

The Fisheries (Reporting) Regulations 2001 (SR 2001/188) are revoked.

## Schedule 1

### Transitional, savings, and related provisions

r 5

#### Part 1

#### Provisions relating to these regulations as made

##### 1 Interpretation

In this Part,—

**former regulations** means the Fisheries (Reporting) Regulations 2001

**trawl net** has the meaning given by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001.

##### 2 Certain vessels may comply with former regulations or these regulations between 1 October 2017 and 31 March 2018

- (1) This clause applies to every permit holder, except the holder of a permit under which a vessel that has an overall length that exceeds 28 m is being used in fishing with a trawl net.
- (2) On and from 1 October 2017 until the close of 31 March 2018,—
  - (a) compliance with the applicable requirements of the former regulations is sufficient compliance with these regulations; and
  - (b) there is no need to comply with any requirement in these regulations that was not in the former regulations.
- (3) The exemption expires at the close of 31 March 2018.

##### 3 Temporary exemption for voyage underway when these regulations commence

- (1) This clause applies if—
  - (a) a vessel has commenced, but not completed, a fishing trip when these regulations come into force; and
  - (b) clause 2 does not apply in relation to the vessel.
- (2) While the vessel is at sea on that occasion,—
  - (a) compliance with the applicable requirements of the former regulations is sufficient compliance with these regulations; and
  - (b) there is no need to comply with any requirement in these regulations that was not in the former regulations.
- (3) The exemption expires at the end of the fishing trip.

## Schedule 2

### Contents of audit reports

r 27

#### 1 Systems section

- (1) Identify all source documents generated to support every identifiable system or subsystem within the licensed fish receiver's fish-related operations, and document by way of flowcharts (that is, a separate flowchart for each identifiable system or subsystem).

A narrative description of any of the identified systems or subsystems may be provided if, in the opinion of the auditor, it is more appropriate. The auditor must give reasons for this.

- (2) Identify on the flowchart (or narrative opinion if applicable) for each relevant system or subsystem the source document that, in the opinion of the auditor, represents the prescribed source document required under Part 2 of the Fisheries (Recordkeeping) Regulations 1990.
- (3) Document for each prescribed source document the extent to which it complies with the requirements of the Fisheries (Recordkeeping) Regulations 1990 in terms of—
  - (a) manner and form:
  - (b) content:
  - (c) retention.

Report exceptions in a manner that provides maximum assistance to the licensed fish receiver to enable subsequent compliance.

- (4) Append to the audit report a photocopy of a completed example of each source document that, in the opinion of the auditor, constitutes a prescribed source document within the meaning of regulation 11 of the Fisheries (Recordkeeping) Regulations 1990.

#### 2 Internal controls section

- (1) Provide an opinion, with supporting reasons, on the nature and extent of the internal control environment, having regard to the size of the business and number of personnel involved.
- (2) Provide an opinion, with supporting reasons, on the existence or non-existence of key internal controls that support each of the systems and subsystems.
- (3) Provide an opinion, with supporting reasons, on the effectiveness and verifiability of the internal control systems supporting the information that is provided to the Ministry on any return relevant to the function of the licensed fish receiver (for example, a licensed fish receiver return or an annual inventory return).

- (4) Reconcile the current annual inventory return with internal supporting work papers and review the return in terms of compliance with the requirements set out in regulation 23. Provide positive confirmation of that reconciliation and review and document any unresolved areas of concern.

- (5) In this clause,—

**audit trail** means the ability to trace the species, state, and weight of fish product through the relevant systems of a licensed fish receiver or person acting as an agent of a licensed fish receiver

**key internal controls** means the specific controls or procedures that are fundamental to the prevention or detection of errors that may undermine the adequacy or reliability of the audit trail in relation to systems or subsystems of a licensed fish receiver.

### **3 Supporting information section**

- (1) Disclose any relationship the auditor has with, or interests the auditor has in, the licensed fish receiver or a related party and the nature and extent of any services provided, or intended or contracted to be provided, to the licensed fish receiver.
- (2) State whether the auditor has obtained all information and explanations required.
- (3) Describe the nature and extent of the fish-related operations of the licensed fish receiver (for example, specify whether the licensed fish receiver is also a fisher or the holder of an annual catch entitlement).
- (4) Provide a chart setting out the various activities, divisions, and locations that, in the auditor's opinion, are relevant to the licensed fish receiver's business operation, and identify the premises or locations that form the basis of that opinion.
- (5) Provide a flowchart or diagram that indicates the relationship between the licensed fish receiver and related parties of the licensed fish receiver, showing, where the interests are fish-related, the location and activities of their related interests.

### Schedule 3

#### Amendments to other enactments

r 51

#### **Fisheries (Commercial Fishing) Regulations 2001 (SR 2001/253)**

In regulation 3, revoke the definition of **catch landing return**.

In regulation 3, insert in its appropriate alphabetical order:

**landing report** means a report required by regulation 11 of the Fisheries (Reporting) Regulations 2017

In regulation 19(9), replace “catch landing return” with “landing report”.

#### **Fisheries (Cost Recovery Levies for Conservation Services) Order 2016 (LI 2016/189)**

In clause 4, replace “in Parts 1 and 2 of Schedule 3 of the Fisheries (Reporting) Regulations 2001” with “specified in circulars issued under regulation 47(1)(a)(v) of the Fisheries (Reporting) Regulations 2017”.

#### **Fisheries (Cost Recovery Levies for Fisheries Services) Order 2016 (LI 2016/188)**

In clause 4, replace “in Parts 1 and 2 of Schedule 3 of the Fisheries (Reporting) Regulations 2001” with “specified in circulars issued under regulation 47(1)(a)(v) of the Fisheries (Reporting) Regulations 2017”.

#### **Fisheries (Deemed Value and Notification of Balances) Regulations 2001 (SR 2001/259)**

In regulation 3, definition of **reported catch**, paragraph (a), replace “2001” with “2017”.

#### **Fisheries (Infringement Offences) Regulations 2001 (SR 2001/316)**

In Schedule 1, replace the item relating to the Fisheries (Reporting) Regulations 2001 with:

<i>Fisheries (Reporting) Regulations 2017</i>		
<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 7(3)(a)	Failing to record the required information in a fish catch report immediately after fishing starts	400
r 7(3)(b)	Failing to record the required information in a fish catch report immediately after fishing ends	400
r 7(3)(c)	Failing to record the required additional information in a fish catch report within 4 hours after fishing ends	400
r 7(3)(d)	Providing a fish catch report late, but before the close of the 14th day after the date on which it was due	400
r 7(3)(d)	Providing a fish catch report within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750

**Fisheries (Infringement Offences) Regulations 2001 (SR 2001/316)—continued**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
r 8(3)	Providing a non-fish species or protected fish species catch report late, but before the close of the 14th day after the date on which it was due	400
r 8(3)	Providing a non-fish species or protected fish species catch report within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750
r 9(3)	Providing a processing report late, but before the close of the 14th day after the date on which it was due	400
r 9(3)	Providing a processing report within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750
r 10(3)(a)	Failing to complete a disposal report within 1 hour after a disposal is finished	400
r 10(3)(b)	Providing a disposal report late, but before the close of the 14th day after the date on which it was due	400
r 10(3)(b)	Providing a disposal report within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750
r 11(3)(a)	Failing to record the required information in a landing report immediately after a landing is finished	400
r 11(3)(b)	Failing to record the required additional information in a landing report as soon as is practicable	400
r 11(3)(c)(i)	Providing the relevant landing report information late, but before the close of the 14th day after the date on which the information was due	400
r 11(3)(c)(i)	Providing the relevant landing report information within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750
r 11(3)(c)(ii)	Providing the relevant landing report information late, but before the close of the 14th day after the date on which the information was due	400
r 11(3)(c)(ii)	Providing the relevant landing report information within a period starting on the 15th day after the date on which it was due and ending on the 30th day after that date	750
r 14(1)(b)	Providing a monthly harvest return late, but before the close of the 20th day of the month in which it was due	400
r 14(1)(b)	Providing a monthly harvest return within a period starting on the 21st day of the month in which it was due and ending on the 15th day of the following month	750
r 20(1)(b)	Providing a licensed fish receiver return late, but before the close of the 20th day of the month in which it was due	400
r 20(1)(b)	Providing a licensed fish receiver return within a period starting on the 21st day of the month in which it was due and ending on the 15th day of the following month	750
r 25(1)(b)	Providing an annual audit report in December of the year it became due or in January the following year	400
r 25(3)	Carrying out an audit of a newly licensed fish receiver late, but within 1 month after the end of the specified period	400
r 34(1)	Failing to provide a client details annual update form by the due date	400
r 34(3)	Failing to advise of updated client details by the due date	400
r 35(1)	Failing to provide a licensed fish receiver details annual update form by the due date	400
r 35(3)	Failing to advise of updated licensed fish receiver details as soon as is practicable	400

**Fisheries (Infringement Offences) Regulations 2001 (SR 2001/316)—continued**

Provision	Description of offence	Fee (\$)
r 36	Failing to record identifying information in a report	400
r 39	Failing to retain a report for at least 7 years	400

**Fisheries (Licensed Fish Receivers) Regulations 1997 (SR 1997/291)**

Replace regulation 10(1)(d) with:

- (d) the holder has failed to provide any report required by the Fisheries (Reporting) Regulations 2017.

**Fisheries (Recordkeeping) Regulations 1990 (SR 1990/219)**

In regulation 2(2), replace “2001” with “2017”.

In regulation 4(b)(v), replace “2001” with “2017”.

In regulation 13(3)(d), replace “2001” with “2017”.

In regulation 13(3)(i), replace “Part 2 of Schedule 3 of the Fisheries (Reporting) Regulations 2001” with “circulars issued under regulation 47(1)(a)(v) of the Fisheries (Reporting) Regulations 2017”.

**Fisheries (Registers) Regulations 2001 (SR 2001/187)**

In regulation 5(2)(d)(i), replace “2001” with “2017”.

**Fisheries (Total Allowable Catch, Total Allowable Commercial Catch, and Deemed Value Rates) Notice 2015 (LI 2015/211)**

In clause 3, definition of **quota management stock**, replace “Part 1 of Schedule 3 of the Fisheries (Reporting) Regulations 2001” with “circulars issued under regulation 47(1)(a)(v) of the Fisheries (Reporting) Regulations 2017”.

In clause 3, definition of **related quota management area**, replace “Part 1 of Schedule 3 of the Fisheries (Reporting) Regulations 2001” with “circulars issued under regulation 47(1)(a)(v) of the Fisheries (Reporting) Regulations 2017”.

**Fisheries (Transfer of Functions, Duties, and Powers to Commercial Fisheries Services Limited) Order 2013 (SR 2013/333)**

In the Schedule, Part 2, replace item (6) with:

- (6) in the Fisheries (Reporting) Regulations 2017,—
- (a) regulation 3, in relation to client numbers:
  - (b) regulation 13 (except subclause (1)(d)):
  - (c) regulations 14 to 16:
  - (d) regulations 19 and 20:
  - (e) regulations 23 to 25:

**Fisheries (Transfer of Functions, Duties, and Powers to Commercial Fisheries Services Limited) Order 2013 (SR 2013/333)—*continued***

- (f) regulation 34, in relation to the persons specified in section 189(a) to (e) of the Act, but excluding holders of special permits and masters and owners of vessels:
- (g) regulation 35:
- (h) regulation 44, in relation to reports that are the responsibility of Fish-Serve under this order:

**Te Arawa Lakes (Fisheries) Regulations 2006 (SR 2006/340)**

In regulation 28(4)(b)(iii), replace “2001” with “2017”.

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 1 October 2017, set out reporting requirements for permit holders and licensed fish receivers. They replace the Fisheries (Reporting) Regulations 2001 (the **2001 regulations**).

These regulations differ from the 2001 regulations mainly because they—

- replace the range of catch, effort, landing, and processing returns provided for by the 2001 regulations with a new set of event-based reports that permit holders must provide after a particular event happens, or an activity is started or finished; and
- provide for event reports and licensed fish receiver returns to be provided electronically; and
- provide for circulars issued by the Director-General of the Ministry for Primary Industries (the **Director-General**) (referred to in these regulations as the chief executive) to specify—
  - additional information that must be contained in event reports; and
  - the manner and form in which any kind of report must be provided, including the codes that must be used.

*Part 1* (event reports) provides for the following event reports:

- fish catch reports:
- non-fish species or protected fish species catch reports:
- processing reports:

- disposal reports:
- landing reports.

*Part 2* (monthly reports) provides for monthly harvest returns and licensed fish receiver returns. Provisions for both are carried over from the 2001 regulations. Monthly harvest returns record the fish taken by a permit holder in a month and licensed fish receiver returns record the fish received by a licensed fish receiver in a month.

*Part 3* (annual reports) provides for—

- annual inventory returns:
- annual audit reports:
- client details annual update forms:
- licensed fish receiver details annual update forms.

The provisions for these reports are carried over from the 2001 regulations.

*Part 4* (reports generally)—

- requires all reports to identify the person who must provide the report and, if it is a report under *Part 1* for an activity carried out on or using a vessel, the vessel and the vessel's master:
- requires all reports to be in the manner and form specified in a circular:
- sets out requirements relating to reports that are provided electronically:
- requires most reports to be retained for at least 7 years and gives the Director-General and fishery officers the power to inspect completed or partially completed reports:
- gives the Director-General certain other powers in relation to reports.

*Regulations 41 to 43* set out the following requirements relating to electronic reports:

- reports must be provided in accordance with the electronic reporting requirements that are specified in a circular issued by the Director-General:
- persons required to provide electronic reports must notify the Director-General of the identity of anyone who is to submit reports on their behalf and the identifiers of the devices used to submit reports:
- the Director-General must be notified if an accident or technical failure prevents a person from providing an electronic report on time.

*Regulations 44 to 46* give the Director-General the power, in certain circumstances, to—

- direct persons to redo reports or complete future reports in accordance with specific directions:
- direct persons as to when reports must be provided:
- exempt persons from the need to comply with certain requirements.

Those powers are carried over from the 2001 regulations.

*Regulation 47* gives the Director-General the power to issue circulars specifying—

- manner and form requirements for reports:
- additional information that must be contained in event reports:
- the electronic reporting requirements:
- other matters for the purpose of particular provisions in these regulations.

*Part 5* (offences) sets out offences and penalties for breaches of these regulations.

*Regulation 50* contains a defence for a defendant who can prove that a breach resulted from an accident, or a mechanical or technical failure.

*Schedule 1* contains transitional arrangements that give permit holders until 1 April 2018 to comply with these regulations, so long as they do not use trawl nets on vessels that are longer than 28 m.

*Schedule 2* sets out the information and documentation that must be contained in an annual audit report.

*Schedule 3* sets out amendments to other legislative instruments, including amendments to the infringement offences specified in the Fisheries (Infringement Offences) Regulations 2001.

### **Regulatory impact statement**

The Ministry for Primary Industries produced a regulatory impact statement on 29 May 2017 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—

- <http://www.mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 13 July 2017.

These regulations are administered by the Ministry for Primary Industries.