

# Fisheries (Southern Bluefin Tuna Quota) Regulations 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 22nd day of May 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

- 1 Title

These regulations are the Fisheries (Southern Bluefin Tuna Quota) Regulations 2000.

- 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the Gazette.

### 3 Interpretation

In these regulations, unless the context otherwise requires,---

commercial fisher means---

- (a) any person who takes any fish, aquatic life, or seaweed for the purposes of sale:
- (b) any person who is engaged in any capacity on a New Zealand fishing vessel:
- (c) any person who has a fishing permit issued under section 63 of the Fisheries Act 1983 or section 91 of the Fisheries Act 1996 entitling the person to take any species or class of fish, aquatic life, or seaweed

Convention means the Convention for the Conservation of Southern Bluefin Tuna that came into force on 20 May 1994

dealer in fish means a person who is engaged in acquiring fish for the purposes of sale; but does not include any of the following:

- (a) a commercial fisher:
- (b) a licensed fish receiver:
- (c) a person who---
  - (i) acquires only fish that is in a cooked state, or in a frozen and pre-packaged state that is primarily suited for consumer sales; and
  - (ii) does not further process the fish, or divide the fish for further packaging

high seas means the waters outside the national fisheries jurisdiction of any country

New Zealand vessel means---

- (a) a New Zealand fishing vessel:
- (b) a ship that is registered, or that is required or entitled to be registered, under the Ship Registration Act 1992:
- (c) an aircraft registered in New Zealand under the Civil Aviation Act 1990:
- (d) any vessel, aircraft, hovercraft, submersible craft, or other craft of whatever size, that is used for fishing, where 1 or more New Zealand citizens or bodies corporate established by or under the law of New Zealand own more than half of the shares in it or have the control or management of it

southern bluefin tuna means the fish with the scientific name *Thunnus maccoyi*; and includes the fish with the scientific name *Thunnus thynnus*.

#### 4 Purpose

The purpose of these regulations is to give effect to the Convention for the Conservation of Southern Bluefin Tuna that came into force on 20 May 1994.

#### 5 Application

These regulations apply to---

- (a) the taking of southern bluefin tuna in New Zealand fisheries waters by any commercial fisher; and
- (b) the taking of southern bluefin tuna in the high seas, for the purposes of sale, by any New Zealand citizen or by any New Zealand vessel.

#### 6 Annual catch limits

- (1) New Zealand's annual catch limit for the fishing year ending with the close of 30 September 2000 is 383 greenweight tonnes.

- (2) New Zealand's annual catch limit for each subsequent fishing year ending with the close of 30 September is 420 greenweight tonnes.

## 7 Closure of fishery

(1) As soon as practicable after becoming aware that New Zealand's annual catch limit for a fishing year has been or is about to be reached, the chief executive must close the fishery by notice in writing to holders of permits that authorise the taking of southern bluefin tuna.

(2) A closure under subclause (1) remains in force until the earlier of the following events:

- (a) the closure is lifted by the chief executive by notice in writing to holders of permits that authorise the taking of southern bluefin tuna:
- (b) the next fishing year begins.

## 8 Reporting and recording of catch taken in the high seas by New Zealanders

If southern bluefin tuna are taken in the high seas, for the purposes of sale, by any New Zealand citizen or any New Zealand vessel, the Fisheries (Reporting) Regulations 1990 SR 1990/214

and the Fisheries (Recordkeeping) Regulations 1990 SR 1990/219

apply, with any necessary modifications, and the following persons must make records and returns in accordance with those regulations:

- (a) the New Zealand citizen or the master of the New Zealand vessel, as the case may be:
- (b) every licensed fish receiver and every dealer in the fish.

## 9 Offences

(1) Every commercial fisher commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who takes any southern bluefin tuna in New Zealand fisheries waters while the fishery is closed under regulation 7.

(2) Every New Zealand citizen, or owner or master or member of the crew of a New Zealand vessel, commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who takes, for the purposes of sale, any

southern bluefin tuna in the high seas while the fishery is closed under regulation 7.

(3) It is a defence to proceedings for an offence against subclause (1) or subclause (2) if the court is satisfied that the defendant did not know and could not reasonably be expected to have known that the fishery had been closed.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who contravenes or fails to comply with regulation 8 of these regulations.

#### 10 Revocation

The Fisheries (Southern Bluefin Tuna) Regulations 1995 (SR 1995/117) are revoked.

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in Gazette: 25 May 2000.  
These regulations are administered in the Ministry of Fisheries.