

Fisheries (Reporting) Amendment Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of August 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1)(h) 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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Schedule 1

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Schedule 2

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New item added to Part 3 of Schedule 3

Schedule 6

New item added to Part 6 of Schedule 3

1 Title

These regulations are the Fisheries (Reporting) Amendment Regulations 2006.

2 Commencement

These regulations come into force on 1 October 2006.

3 Principal regulations amended

These regulations amend the Fisheries (Reporting) Regulations 2001.

4 Interpretation

Regulation 3 is amended by adding the following subclause:

"(4) A landed state that is specified in the first column of Part 3 of Schedule 3 has the same meaning as in a notice given by the chief executive under section 188(1) of the Act, if the landed state---

"(a) is not defined in these regulations; but

"(b) is defined in the notice."

5 Kinds of returns

Regulation 4 is amended by inserting the following paragraph after paragraph (ea):

"(eb) netting catch effort landing returns:".

6 Catch, effort, and landing returns

Regulation 5(1) is amended by inserting "11B," after "11A,".

7 Monthly harvest returns

Regulation 7(2)(a)(i) is amended by omitting "or T" and substituting "T, or X".

8 New regulation 11B inserted

The following regulation is inserted after regulation 11A:

"11B Netting catch effort landing returns

"(1) A permit holder who takes fish, or on whose behalf fish are taken, by the method of set netting, inshore drift netting, or pair set netting from a vessel must complete and provide to the chief executive netting catch effort landing returns if the vessel---

"(a) is 6 metres or more in overall length; or

"(b) is a vessel for which the chief executive has advised the permit holder in writing that netting catch effort landing returns must be provided.

"(2) The permit holder must---

"(a) complete separate returns for each fishing trip; and

"(b) complete a column of catch and effort information in section 2 of the return for each set as soon as hauling for the set is completed; and

"(c) complete section 3 (relating to trip information) immediately on landing; and

"(d) complete section 4 (relating to catch landing data) immediately on landing, except any part of the last 2 columns that requires information from a licensed fish receiver; and

"(e) complete any remaining part of the last 2 columns of section 4 immediately on receipt of the information required from the licensed fish receiver; and

"(f) complete section 5 (relating to permit holder and vessel details), sign the declaration, and date the return; and

"(g) provide the return to the chief executive no later than 15 days after the last day of the calendar month in which the fishing trip ends.

"(3) In subclause (2)(b), a set includes all nets that are set---

"(a) to target the same species; and

"(b) within 2 nautical miles of the first net that is set; and

"(c) as soon as practicable after the first net is set.

"(4) A person contravenes this subclause if the person provides a netting catch effort landing return after the date it is due, but no more than 1 calendar month after that date.

"(5) A person contravenes this subclause if the person provides or fails to provide a netting catch effort landing return more than 1 calendar month after the date it is due.

"(6) If no fishing trip is made in a calendar month, the permit holder must---

"(a) state that month and the year in the space next to 'landing date' in section 3 of a return; and

"(b) clearly mark the return as a nil return; and

"(c) complete section 5 (relating to permit holder and vessel details), sign the declaration, and date the return; and

"(d) provide the return to the chief executive no later than 15 days after the last day of that month."

9 Separate returns required for each vessel or method
Regulation 28 is amended by inserting "11B," after "11A,".

10 Return books supplied by chief executive
Regulation 29(2) is amended by inserting the following paragraph after paragraph (da):

"(db) in the case of return books for netting catch effort landing returns, returns in form 5B of Schedule 2:".

11 Method of entering certain details on return
Regulation 36(3)(a) is amended by revoking subparagraph (i) and substituting the following subparagraph:

"(i) the conversion factors stated in a notice or certificate given by the chief executive under section 188(1) or (2) of the Act; or"

12 Offences

(1) Regulation 42(b) is amended by inserting "11B(2), (4), or (6)," after "11A(3),".

(2) Regulation 42(c) is amended by inserting "11B(5)," after "11A(4),".

13 New form 5B inserted in Schedule 2
Schedule 2 is amended by inserting the form 5B set out in Schedule 1 of these regulations after form 5A.

14 Part 1 of Schedule 3 amended

(1) Paragraph (b) above table 1 of Part 1 of Schedule 3 is amended by omitting "tables 3 to 13" and substituting "the other tables".

(2) The heading to the third column of table 1 of Part 1 of Schedule 3 is amended by omitting "tables 3 to 19 of this Part" and substituting "any other table".

(3) Table 1 of Part 1 of Schedule 3 is amended by inserting the items set out in Schedule 2 of these regulations in their appropriate alphabetical order.

(4) Part 1 of Schedule 3 is amended by adding the table 20 set out in Schedule 3 of these regulations.

15 Part 2 of Schedule 3 amended
Part 2 of Schedule 3 is amended by inserting the items set out in Schedule 4 of these regulations in their appropriate alphabetical order.

16 Part 3 of Schedule 3 amended

Part 3 of Schedule 3 is amended by adding the item set out in Schedule 5 of these regulations.

17 Part 6 of Schedule 3 amended
 Part 6 of Schedule 3 is amended by adding the item set out in Schedule 6 of these regulations.

Schedule 1 r 13
 New form 5B inserted in Schedule 2

Form 5B
 Netting catch effort landing return Form number NCE

1. Complete separate returns for each fishing trip.
2. Complete a separate column of catch and effort information for each set. One set may include setting a net, immediately steaming to other places within 2 nautical miles, and setting more nets. If you move more than 2 nautical miles from the first net, you must start a new column.

Fishing method

Target species

Date: at start of set
 (dd/mm/yy) / / / / / / / / / /

Time: at start of set
 (24-hr clock) : : : : :

Latitude: at start of set (degrees minutes) o 'S o 'S o 'S o 'S o 'S

Longitude: at start of set (degrees minutes E/W) o 'E/W o 'E/W o 'E/W o 'E/W o 'E/W

Fishing duration (start of set to end of haul) hrs mins hrs mins hrs mins hrs mins hrs mins

Number and total length of nets set nets m nets m nets m nets m nets m

Mesh size (mm) mm mm mm mm mm

Net height (number of meshes) meshes meshes meshes meshes meshes

Non-fish / protected species catch? Yes No Yes No Yes No Yes No Yes No

Write the species .0kg .0kg .0kg .0kg .0kg

I have read and understood the explanatory notes supplied with this return.

Name of permit holder Name of vessel

Client number of permit holder Registration number of vessel Signature of permit holder or authorised person

This return is page number Date signed / /20
 for this trip. Is this return
 the last page for this trip? Yes No

Send completed returns to PO Box 297, Wellington (NZ).

Schedule 2 r 14(3)
 New items inserted in table 1 of Part 1 of Schedule 3

Species or class of fish	Quota management area reference number set out in table 2 of this Part	Other area reference number set out in any other table	Fishstock code to be used (species/area)
Deepwater clam	1		PZL1
	2		PZL2
	3		PZL3
	4		PZL4
	5, 6		PZL5
	7		PZL7
	8		PZL8
	9		PZL9
	Knobbed whelk	1	
2			KWH2
3			KWH3
4			KWH4
5			KWH5
6			KWH6
7A			KWH7A
7B			KWH7B
8			KWH8
9		KWH9	

Schedule 3 r 14(4)
 New table 20 added to Part 1 of Schedule 3

Table 20
 Knobbed whelk reference numbers for purposes of table 1

The areas referred to by name in this table are the quota management areas described in Schedule 2 of the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2005.

Area name Area reference number used in fishstock code

Nelson/Marlborough 7A
West Coast 7B

Schedule 4 r 15
New items inserted in Part 2 of Schedule 3

Common name	Species code	Scientific name
Deepwater clam	PZL	Panopea zelandica
Knobbed whelk	KWH	Austrofuscus glans

Schedule 5 r 16
New item added to Part 3 of Schedule 3

Sole or principal landed state	Corresponding landed state code
Wings (rays and skates)	WRS

Schedule 6 r 17
New item added to Part 6 of Schedule 3

Destination	Destination type code
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Fish of the species or classes subject to the quota X
management system established under Part 4 of the Act
that are---

- (a) listed in Schedule 6 of the Act; and
- (b) not listed in Part 6A of this schedule; and
- (c) returned to the water in accordance with the requirements set out for the relevant species or class of fish in Schedule 6 of the Act

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in Gazette: 31 August 2006.
These regulations are administered by the Ministry of Fisheries.