

Fisheries (Reporting) Amendment Regulations (No 4) 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of August 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1)(h) and (2)(b) 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 (Reporting) Amendment Regulations (No 4) 2007.

2 Commencement

These regulations come into force on 1 October 2007.

3 Principal regulations amended

These regulations amend the Fisheries (Reporting) Regulations 2001.

4 Kinds of returns

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

"(ec) lining trip catch effort returns:

"(ed) trawl catch effort returns:".

5 Catch, effort, and landing returns

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

6 Catch landing returns

Regulation 6(1) is amended by inserting the following paragraphs after paragraph (aa):

"(ab) lining trip catch effort returns:

"(ac) trawl catch effort returns:".

7 New regulations 11C and 11D inserted

The following regulations are inserted after regulation 11B:

"11C Lining trip catch effort return

"(1) A permit holder who takes fish, or on whose behalf fish are taken, by the methods of bottom longlining, surface longlining (targeting species other than tuna or swordfish), or trot lining from a vessel must complete and provide to the chief executive a lining trip catch effort return if the vessel---

"(a) is 6 m or more but not more than 28 m in overall length; or

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

"(2) A person required to provide a lining trip catch effort return must---

"(a) complete a separate lining trip catch effort return for each fishing trip; and

"(b) complete the fishing method, hook spacing, name of fisher, and permit holder and vessel details before completing the details relating to the setting of the first set required by the return; and

"(c) complete, for each set, a separate column of catch effort information; and

"(d) complete, for each set, the information about the setting as soon as the setting for that set is completed; and

"(e) complete, for each set, the information about the hauling and species caught as soon as the hauling for that set is completed; and

"(f) record, for each set, the setting information on the same return that is used to record the hauling information for that set; and

"(g) sign and date the return after all fishing reported on the return is completed; and

"(h) provide the return for a fishing trip that ends on any day in a calendar month to the chief executive not later than 15 days after the last day of that calendar month.

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

"(a) to target the same species; and

"(b) with the same fishing method, hook spacing, and name of fisher; and

"(c) within 2 nautical miles of the start of the first line; and

"(d) as soon as is practicable following the setting of the first line.

"(4) A person contravenes this subclause if the person provides a lining trip catch effort return after the date it was due, but not more than 1 calendar month after the date it was due.

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

"11D Trawl catch effort return

"(1) A permit holder who takes fish, or on whose behalf fish are taken, by the methods of bottom trawl, bottom pair trawl, mid-water trawl, or mid-water pair trawl from a vessel must complete and provide to the chief executive a trawl catch effort return if the vessel---

"(a) is 6 m or more but not more than 28 m in overall length; or

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

"(2) A person required to provide a trawl catch effort return must---

"(a) complete a separate trawl catch effort return for each fishing trip; and

"(b) complete the gear code, design wingspread, design headline height, and permit holder and vessel details before the start of the first shot reported on the return; and

"(c) complete, for each shot, a separate column of catch effort information as soon as hauling for that shot is completed; and

"(d) sign and date the return after all fishing reported on the return is completed; and

"(e) provide the return for a fishing trip that ends on any day in a calendar month to the chief executive not later than 15 days after the last day of that calendar month.

"(3) A person contravenes this subclause if the person provides a trawl catch effort return after the date it was due, but not more than 1 calendar month after the date it was due.

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

8 New regulation 26A inserted
The following regulation is inserted after regulation 26:

"26A Chief executive may grant exemption from requirement to provide audit report

"(1) The chief executive may, on application by a licensed fish receiver, exempt the licensed fish receiver, for a period of up to 2 years, from the requirement under regulation 20 to be audited and to provide a report of the audit.

"(2) An exemption under subclause (1) may be granted on any terms and conditions that the chief executive thinks fit.

"(3) 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:

"(b) information about any changes (or intended changes) to the licensed fish receiver's business.

"(4) The chief executive may revoke an exemption granted under subclause (1) 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."

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

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

"(dc) in the case of return books for lining trip catch effort returns, returns in form 5C of Schedule 2:

"(dd) in the case of return books for trawl catch effort returns, returns in form 5D of Schedule 2:".

11 Offences

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

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

12 Schedule 2 amended
Schedule 2 is amended by inserting the forms set out in Schedule 1 of these regulations after form 5B.

13 Schedule 3 amended

(1) Table 1 of Part 1 of Schedule 3 is amended by inserting the item set out in Part 1 of Schedule 2 of these regulations after the item relating to Porbeagle shark.

(2) Part 1 of Schedule 3 is amended by adding the table 23 set out in Part 2 of Schedule 2 of these regulations.

Schedule 1
New forms 5C and 5D inserted in Schedule 2

Form 5C
Lining trip catch effort return

PLEASE REFER TO HARD COPY

Form 5D
Trawl catch effort return

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Part 1
Amendments to table 1

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)
Prawn killer	1		PRK1
	2		PRK2
	3		PRK3
	4A	PRK4A	
	5	PRK5	
	6A	PRK6A	
	6B	PRK6B	
	7	PRK7	
	8	PRK8	
	9	PRK9	
10	PRK10		

Part 2
New table 23 added

Table 23
Prawn killer 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 2006.

Area name	Area reference number used in fishstock code
South East Coast and Western Chatham Islands combined	3
Chatham Islands East	4A
Auckland Islands	6A
Part Sub-Antarctic	6B

Martin Bell,
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Ministry of Fisheries.