



Fisheries (Amateur Fishing) Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 30th day of August 2010

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 (Amateur Fishing) Amendment Regulations 2010.

2 Commencement

These regulations come into force on 1 October 2010.

3 Principal regulations amended

These regulations amend the Fisheries (Amateur Fishing) Regulations 1986.

4 Interpretation

Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:

“**amateur-fishing charter vessel operator** means a person who receives payment or benefit to provide a vessel and a fishing guide in order to take fishers who are not commercial fishers on fishing trips”.

5 New regulations 26A and 26B inserted

The following regulations are inserted before regulation 27:

“26A Registration of amateur-fishing charter vessel operator

“(1) On and from 1 November 2010, no person may commence or continue operating as an amateur-fishing charter vessel operator unless the person is registered by the chief executive as an amateur-fishing charter vessel operator.

“(2) The chief executive must register a person as an amateur-fishing charter vessel operator on presentation of a properly completed application on an approved form accompanied by the appropriate fee specified in subclause (3).

“(3) The application fee is—

“(a) \$54 if the application is made in writing; or

“(b) \$27 if the application is made electronically.

“(4) The registration of a person as an amateur-fishing charter vessel operator expires at the close of the day that is 1 year after the date on which the person is registered.

- “(5) However, a person’s registration does not expire under subclause (4) until the chief executive has decided whether to re-register the person if the person has, not later than 1 month before the person’s registration expires, applied to be re-registered and, at the date on which the registration would otherwise expire under subclause (4), the chief executive has not decided whether to re-register the person.
- “(6) The chief executive may revoke the registration of a person as an amateur-fishing charter vessel operator if the person persistently fails to comply with the reporting obligations provided under regulation 26B, but must not do so before giving the person—
- “(a) notice in writing of the chief executive’s intention to do so; and
 - “(b) a reasonable opportunity to comply with the reporting obligations that have not been complied with.
- “(7) The chief executive may revoke the registration of a person as an amateur-fishing charter vessel operator if the person is subject to a current prohibition order relating to fishing made by the Court.

“26B Reporting obligations of amateur-fishing charter vessel operator

- “(1) An amateur-fishing charter vessel operator must provide information to the chief executive in accordance with this regulation.
- “(2) The information to be provided under this regulation—
- “(a) is the information specified for the purposes of this regulation by the chief executive by notice in the *Gazette*; and
 - “(b) must be provided in the form and at the times specified by the chief executive in the notice given under paragraph (a).
- “(3) The information that may be required by a notice under subclause (2) is information about the fishing activities of an amateur-fishing charter vessel operator, including (but not limited to)—
- “(a) details of the vessel being used; and
 - “(b) where fishing has taken place and its duration; and

“(c) the species and quantity of fish taken.

“(4) Before issuing, amending, or revoking a notice given under subclause (2), the chief executive must consult any organisations that the chief executive considers to be representative of the persons likely to be substantially affected by the notice.”

6 Offences and penalties

Regulation 29(1) is amended by—

- (a) omitting “7,” and substituting “7 to 15,”; and
- (b) inserting “26A, 26B,” after “26,”.

Rebecca Kitteridge,
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 2010, amend the Fisheries (Amateur Fishing) Regulations 1986.

The amendments insert—

- a definition of amateur-fishing charter vessel operator in regulation 3:
- *new regulation 26A*, which requires an amateur-fishing charter vessel operator to register with the chief executive of the Ministry of Fisheries before commencing or continuing operations. This regulation applies on and from 1 November 2010:
- *new regulation 26B*, which requires an amateur-fishing charter vessel operator to comply with reporting obligations specified by the chief executive of the Ministry of Fisheries by notice in the *Gazette*:
- references to *new regulations 26A and 26B* in the regulation that provides for offences and penalties.

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Regulations 2010**

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 September 2010.

These regulations are administered by the Ministry of Fisheries.
