



## **Fisheries (Import and Export Prohibitions—Toothfish) Regulations 2019**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 26th day of August 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 297(1)(n) and (o) of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

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### **Regulations**

**1 Title**

These regulations are the Fisheries (Import and Export Prohibitions—Toothfish) Regulations 2019.

**2 Commencement**

These regulations come into force on 1 October 2019.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**catch document** means a *Dissostichus* catch document issued in accordance with the Conservation Measure

**Commission** means the Commission for the Conservation of Antarctic Marine Living Resources, established under Article VII of the Convention

**Conservation Measure** means the Conservation Measure 10-05 (2018)—

- (a) as adopted by the Commission; but
- (b) as in force from time to time as readopted, with any amendments or modifications, by the Commission

**Convention** means the Convention on the Conservation of Antarctic Marine Living Resources that was opened for signature at Canberra on 1 August 1980

**export document** means a *Dissostichus* export document issued in accordance with the Conservation Measure

**exportation** has the meaning given in section 5(1) of the Customs and Excise Act 2018

**importation** has the meaning given in section 5(1) of the Customs and Excise Act 2018

**re-export document** means a *Dissostichus* re-export document issued in accordance with the Conservation Measure

**toothfish** means any living or dead fish, and any flesh or other part of any fish (whether raw, or in any way processed or preserved), of the following species:

- (a) Antarctic toothfish (*Dissostichus mawsoni*);
- (b) Patagonian toothfish (*Dissostichus eleginoides*).

### 4 Certain toothfish imports prohibited

The importation of toothfish is prohibited unless—

- (a) the toothfish is covered by an appropriately completed catch document; and
- (b) if the toothfish has, at any time before the importation, been landed (within the meaning of the Conservation Measure), the toothfish is covered by an appropriately completed export document or, if appropriate, re-export document.

### 5 Certain toothfish exports prohibited

The exportation of toothfish is prohibited unless—

- (a) the toothfish is covered by an appropriately completed catch document; and

- (b) if the toothfish has, at any time before the exportation, been landed (within the meaning of the Conservation Measure), the toothfish is covered by an appropriately completed export document or, if appropriate, re-export document.

## 6 Offence

A person who does not comply with regulation 4 or 5 commits an offence and is liable on conviction to a fine not exceeding \$100,000.

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 2019, prohibit the importation and exportation of 2 species of toothfish, with some exceptions. The prohibitions are to give effect to New Zealand's obligations as a party to the Convention on the Conservation of Antarctic Marine Living Resources by implementing the relevant Conservation Measure adopted by the Commission for the Conservation of Antarctic Marine Living Resources. The Commission was established under Article VII of the Convention. The Conservation Measure is from time to time carried forward, with any amendments or modifications, by the Commission.

These regulations are made under section 297(1) of the Fisheries Act 1996. They replace the Customs Import Prohibition (Toothfish) Order 2018 and the Customs Export Prohibition (Toothfish) Order 2018.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 August 2019.

These regulations are administered by the Ministry for Primary Industries.