



Fisheries (Geospatial Position Reporting) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of December 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 297 and 304(1) 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 (Geospatial Position Reporting) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 10 January 2019.

3 Principal regulations

These regulations amend the Fisheries (Geospatial Position Reporting) Regulations 2017 (the **principal regulations**).

4 Regulation 6 amended (Circulars specifying standards and requirements relating to geospatial position reporting devices)

In regulation 6(1)(d), after “devices”, insert “, including requirements relating to when those devices are to be operated”.

5 Regulation 8 amended (Responsibilities under these regulations)

(1) Replace regulation 8(e) with:

- (e) the chief executive is notified, by the most practicable means and at the first reasonable opportunity, if a geospatial position reporting device fails to work properly:
- (f) any directions of the chief executive issued under subclause (2) are complied with.

(2) In regulation 8, insert as subclause (2):

(2) The chief executive may issue to an operator and master of a vessel referred to in regulation 5(1) or a commercial fisher referred to in regulation 5(2) any direction that the chief executive considers is reasonably necessary for the purpose of managing any risks associated with a failure of a geospatial position reporting device to work properly.

6 Regulation 9 amended (Offences and penalties)

(1) After regulation 9(1)(e), insert:

- (f) fails to comply with a direction of the chief executive issued to that person in accordance with regulation 8(2).

(2) In regulation 9(2), replace “regulation 8(e)(i) and (ii)” with “regulation 8(e)”.

7 Schedule 1 amended

In Schedule 1, after Part 1, insert the new Part 2 set out in the Schedule of these regulations.

Schedule

New Part 2 of Schedule 1 inserted

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Part 2

Provisions relating to Fisheries (Geospatial Position Reporting) Amendment Regulations 2018

- 5 Date of required compliance with these regulations linked to date of required compliance with new reporting requirements**
- (1) A commercial fisher who fishes without a vessel referred to in regulation 5(1) must comply with these regulations on and from the date on which the person is required to comply with the new reporting requirements (*see* Part 3 of Schedule 1 of the Fisheries (Reporting) Regulations 2017).
 - (2) Every operator and master of a vessel (except a tender deployed from any vessel using any purse seine net) that is or is to be used for commercial fishing by a permit holder must comply with these regulations on and from the date on which the permit holder is required to comply with the new reporting requirements (*see* Part 3 of Schedule 1 of the Fisheries (Reporting) Regulations 2017).
 - (3) In this clause,—
new reporting requirements has the meaning given in clause 51 of Schedule 1 of the Fisheries (Reporting) Regulations 2017
permit holder means a person who holds a fishing permit issued under section 91 of the Act.

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 10 January 2019, amend the Fisheries (Geospatial Position Reporting) Regulations 2017 (the **principal regulations**). The amendments, among other things,—

- provide additional matters to be notified to the chief executive of the Ministry for Primary Industries by certain operators and masters of vessels and commercial fishers; and
- enable the chief executive to give a direction to certain operators and masters of vessels and commercial fishers if the chief executive considers that the

direction is reasonably necessary for the purpose of managing any risks associated with the failure of a geospatial position reporting device to work properly; and

- provide that it is an offence for a person to fail to comply with the direction (the penalty for the offence is specified in regulation 9(3) of the principal regulations); and
- provide for transitional matters.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 13 December 2018.

These regulations are administered by the Ministry for Primary Industries.