



FISHERIES (REPORTING) AMENDMENT REGULATIONS 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of November 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Method of entering certain details on return
4. Use of codes for certain entries
5. Second Schedule amended

6. Revocations

SCHEDULE

New Parts III and IIIA Substituted in Second Schedule of Principal Regulations

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Reporting) Amendment Regulations 1997, and are part of the Fisheries (Reporting) Regulations 1990* (“the principal regulations”).

*S.R. 1990/214
Amendment No. 1: S.R. 1991/158
Amendment No. 2: S.R. 1993/290
Amendment No. 3: S.R. 1994/183
Amendment No. 4: S.R. 1995/282
Amendment No. 5: S.R. 1996/269

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—The principal regulations are amended by inserting, in their appropriate alphabetical order, the following definitions:

- “ ‘Actual weight’ means the weight in kilograms of the fish in its landed state:
- “ ‘Additional landed state’, in the case of fish landed in 2 or more states, means any landed state other than the principal landed state of the fish:
- “ ‘Fish meal by-product’ means the state in which off-cuts and offal from whole fish have been rendered or cooked into a dried form:
- “ ‘Fish tail’ means the part of a fish that remains after the head, body, and internal organs have been removed:
- “ ‘Hoki mince by-product’ means an additional landed state in which off-cuts and offal from skin-off fillets or the headed and gutted state have been rendered by a machine into a minced form:
- “ ‘Principal landed state’, in the case of fish landed in 2 or more states, means the landed state that has the greatest actual weight:
- “ ‘Shark fins’ means, in the case of fish landed in more than 1 state,—
 - “ (a) In relation to all spiny dogfish species, the state in which the pectoral fins and the caudal (tail) fin have been landed:
 - “ (b) In relation to school shark, the state in which the pectoral fins and dorsal fins and either the caudal (tail) fin or the bottom lobe of the caudal (tail) fin have been landed:
 - “ (c) In relation to rig, ghost shark, sixgill shark, sevengill shark, and elephant fish, the state in which the pectoral fins and anterior dorsal fins have been landed:
 - “ (d) In relation to black shark, blue shark, whaler shark, white shark, mako shark, porbeagle shark, and basking shark, the state in which the pectoral fins, dorsal fins, and caudal (tail) fins have been landed.”

3. Method of entering certain details on return—The principal regulations are amended by revoking regulation 19 (as variously amended), and substituting the following regulation:

“19. (1) For the purpose of completing a return, unless otherwise specified in the return or in any notes referred to in regulation 12 (3) (a) or by notice in writing to the person required to complete the return by the chief executive,—

- “ (a) Subject to paragraph (i), all weights and container capacities are to be recorded in kilograms:
- “ (b) All lengths and distances are to be recorded in metres:
- “ (c) All mesh sizes are to be recorded in millimetres:
- “ (d) All speeds are to be recorded in knots, except that wind speed or wind force are to be recorded in metres per second:
- “ (e) All times are to be recorded in hours and minutes according to a 24 hour clock in New Zealand standard time or New Zealand daylight time, whichever is for the time being applicable; and all dates are to be recorded in terms of the applicable time:
- “ (f) All temperatures are to be recorded in degrees celsius:
- “ (g) All matters in respect of which a code is required by regulation 20 to be entered are to be entered using the appropriate code:
- “ (h) A reference in any return of any landing to containers is,—

“(i) Where the landing occurs upon the removal or discharge of fish from the vessel concerned, to be read as a reference to the containers of fish so removed or discharged:

“(ii) Where the landing occurs upon the removal of the vessel concerned from New Zealand fisheries waters, to be read as a reference to the containers of fish on the vessel:

“(i) Subject to subclause (2),—

“(i) All weights of fish other than scallops are to be recorded in greenweight kilograms, using, where appropriate to the landed state of the fish, the conversion factors specified in the Fisheries (Conversion Factors) Notice 1996* or in any certificate given by the chief executive under section 3A (3) of the Fisheries Act 1983 or section 188 of the Fisheries Act 1983:

“(ii) All scallop weights are to be recorded in meatweight, being the weight of scallops remaining when the shell, skirt, and gut has been removed and discarded.

“(2) Where fish is landed in 2 or more states,—

“(a) The landed state that has the greatest actual weight is ‘the principal landed state’, and its weight is to be recorded in greenweight kilograms in accordance with subclause (1) (i) (i); and

“(b) All other landed states are ‘additional landed states’, and their weight is to be recorded as the actual weight of the fish in that landed state; but

“(c) The weight of the additional landed state of any fish should not be recorded on a Quota Management Return; and

“(d) A licensed fish receiver should not record the weight or species of any additional landed state received by the licensed fish receiver on any Licensed Fish Receiver Return.

“(3) For the purpose of Trawl Catch Effort and Processing Returns, any reference to a processed state is to be read as if it were a reference to a landed state, and the weight of fish in such states is to be calculated in accordance with this regulation.”

4. Use of codes for certain entries—Regulation 20 (1) of the principal regulations is amended by revoking paragraph (d), and substituting the following paragraph:

“(d) The landed state of fish to which the return relates, the person completing the return must enter,—

“(i) In the case of fish landed whole or in only 1 state or as a principal landed state, the landed state code in Part III of the Second Schedule that best represents that state:

“(ii) In the case of fish landed as an additional landed state, the landed state code in Part IIIA of the Second Schedule that best represents that state:”.

5. Second Schedule amended—The Second Schedule of the principal regulations is amended by revoking Part III (as variously amended), and substituting the new Parts III and IIIA set out in the Schedule of these regulations.

6. Revocations—The following regulations are consequentially revoked:

(a) Regulation 3 of the Fisheries (Reporting) Regulations 1990, Amendment No. 1:

- (b) Regulations 4 and 7 of the Fisheries (Reporting) Regulations 1990, Amendment No. 2:
- (c) Regulation 3 (3) of the Fisheries (Reporting) Regulations 1990, Amendment No. 3:
- (d) Regulation 4 of the Fisheries (Reporting) Regulations 1990, Amendment No. 4.

Reg. 5

SCHEDULE

NEW PARTS III AND IIIA SUBSTITUTED IN SECOND SCHEDULE OF PRINCIPAL REGULATIONS

Reg. 20 (1) (d) (i)

“PART III

LANDED STATE CODES FOR SOLE OR PRINCIPAL LANDED STATE

Sole or Principal Landed State	Corresponding Landed State Code
Green (or whole)	GRE
Gutted	GUT
Headed and gutted	HGU
Dressed	DRE
Fillets: skin-on	FIL
Fillets: skin-off	SKF
Fillets: skin-off untrimmed	USK
Fillets: skin-on untrimmed	UTF
Surimi	SUR
Fillets: skin-off trimmed	TSK
Fillets: skin-on trimmed	TRF
Dressed-straight cut (stargazer)	DSC
Dressed-V cut (stargazer)	DVC
Fish meal	MEA
Tailed (scampi)	SCT
Tailed (rock lobster)	RLT
Tentacles	TEN
Fins	FIN
Livers	LIV
Hoki mince SKF	MKF
Hoki mince HGU	MGU
Headed, gutted and tailed	HGT
Gilled and gutted	GGU
Shucked and shelled	SHU

SCHEDULE—*continued*NEW PARTS III AND IIIA SUBSTITUTED IN SECOND SCHEDULE OF PRINCIPAL REGULATIONS—*continued*

PART IIIA

Reg. 20 (1) (d) (ii)

LANDED STATE CODES ADDITIONAL LANDED STATE

Additional Landed State	Corresponding Landed State Code
Roe	ROE
Heads	HDS
Heads and tentacles	HET
Fish tails	FIT
Shark fins	SHF
Hoki mince by-product SKF	MBS
Hoki mince by-product HGU	MBH
Fish meal by-product	MEB
Flaps	FLP
Beak and mouth	BEA
Livers by-product	LIB
Cheeks	CHK
Lugs or collars	LUG
Sounds or swim bladders	SWB
Squid wings	WIN''

MARIE SHROFF,
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 28 days after the date of their notification in the *Gazette*, amend the Fisheries (Reporting) Regulations 1990 to provide specifically for the reporting of fish species that are landed in 2 or more states, to avoid the double counting of catch and the double billing of levies.

Fish landed in 2 or more states will have only 1 principal landed state, which is the state that has the greatest actual weight, to which conversion factors need to be applied. All other landed states are "additional landed states", and only their actual weight need be recorded on catch returns. There is no need at all to record additional landed states on quota management returns and licensed fish receiver returns.

Separate reporting codes are now provided for sole or principal landed states and for additional landed states.

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

Date of notification in *Gazette*: 6 November 1997.

These regulations are administered in the Ministry of Fisheries.