



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

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1. Complete **separate returns for each fishing trip and a separate column for each line set**.

2. Write the fishing method hook spacing m and name of fisher (first letter of first name then first four letters of surname) .

Set number (since start of trip) and target species	Set no.	Target species	Set no.	Target species	Set no.	Target species	Set no.	Target species
Date: start of set (dd/mm/yy)	/	/	/	/	/	/	/	/
Time: start of set (24-hr clock)	:		:		:		:	
Latitude: start of set (degrees minutes)	°	' S	°	' S	°	' S	°	' S
Longitude: start of set (degrees minutes E/W)	°	' E/W	°	' E/W	°	' E/W	°	' E/W
Bottom depth: start of set (metres)	metres		metres		metres		metres	
Number of hooks in this set								
Date: start of haul (dd/mm/yy)	/	/	/	/	/	/	/	/
Time: start of haul (24-hr clock)	:		:		:		:	
Non-fish / Protected species catch?	Yes	No	Yes	No	Yes	No	Yes	No
Write the species code and estimated greenweight of each quota and non-quota species caught during each set. <i>For example, if you catch 40 kg of blue maomao, write:</i> B M A <input type="text"/> 4 0 .0kg		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
		.0kg		.0kg		.0kg		.0kg
More than 8 species? List the eight species that you caught most of (by greenweight).		.0kg		.0kg		.0kg		.0kg
Weight of all other species caught this set	All other species	.0kg	All other species	.0kg	All other species	.0kg	All other species	.0kg

Lining trip catch effort return

Form number: **LTC**

I declare that the information I have given on this return is correct and complete, and that I have read and understood the explanatory notes supplied with this return.

Signature of permit holder or authorised person

Date signed / 20

3. Permit holder and vessel details

Name of permit holder

Name of vessel

Client number of permit holder

Registration number of vessel

Do not forget that you need to complete a landing return at the end of the trip. Send completed returns to PO Box 297, Wellington (NZ).

1. Complete **separate returns for each fishing trip** and a **separate column for each shot**. Start a new return if you change gear during a trip.
 2. Write the gear code design wingspread m and design headline height m of gear used for these shots.



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 Regulations (No 4) 2007
 Form 5D
 Trawl catch effort return

Shot number (since start of trip) and target species	Shot no.		Target species		Shot no.	Target species		Shot no.	Target species		Shot no.	Target species	
	no.	no.	species	species		no.	no.		species	species		no.	no.
Date: start of shot (dd/mm/yy)	/	/			/	/			/	/			
Time: start of shot (24-hr clock)	:				:				:				
Latitude: start of shot (degrees minutes)	°	'	S		°	'	S		°	'	S		
Longitude: start of shot (degrees minutes E/W)	°	'	E/W		°	'	E/W		°	'	E/W		
Depths at start of shot: Groundrope / Bottom		m /		m		m /		m		m /		m	
Average trawling speed (knots)	.	knots			.	knots			.	knots			
Time: end of shot (24-hr clock)	:				:				:				
Non-fish / Protected species catch?	Yes	No			Yes	No			Yes	No			
Write the species code and estimated greenweight of each quota and non-quota species caught during each shot. <small>For example, if you catch 1100 kg of snapper, write: S N A 1 1 0 0 0kg</small>			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
More than 8 species? List the 8 species that you caught most of (by greenweight).			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
			.0kg				.0kg					.0kg	
Weight of all other species caught this shot	All other species		.0kg		All other species		.0kg		All other species		.0kg		

Trawl catch effort return Form number TCE

3. Permit holder and vessel details

Name of permit holder Name of vessel
 Client number of permit holder Registration number of vessel
 Name of fisher (first letter of first name then first four letters of surname) Registration number of other vessel (paired fishing)

I declare that the information I have given on this return is correct and complete, and that I have read and understood the explanatory notes supplied with this return.
 Signature of permit holder or authorised person
 Date signed / /

Do not forget that you need to complete a landing return. Send completed returns to PO Box 297, Wellington (NZ).

Schedule 2

Amendments to Schedule 3

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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 fish-stock 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.

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 2007, amend the Fisheries (Reporting) Regulations 2001 by—

- inserting *new regulations 11C* (which prescribes a new lining trip catch effort return) and *11D* (which prescribes a new trawl catch effort return) and making consequential amendments to regulations 4, 5, 6, 28, 29, and 42 to take account of the new returns:
- inserting *new regulation 26A*, which provides that the chief executive may exempt a licensed fish receiver from the requirement to be audited and provide an audit report to the chief executive under regulation 20:
- inserting new fishstock codes for prawn killer into table 1 of Part 1 of Schedule 3. Prawn killer is a species of shellfish that is to be introduced into the quota management system on 1 October 2007:
- adding *new table 23* to Part 1 of Schedule 3, which specifies prawn killer reference numbers for the purposes of table 1 of Part 1 of Schedule 3.

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.
