



THE FISH EXPORT LICENSING REGULATIONS 1982

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of September 1982

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to section 35 of the Fishing Industry Board Act 1963, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

ANALYSIS

- | | |
|--|---|
| <ol style="list-style-type: none">1. Title and commencement2. Interpretation3. No exporting of fish or fish products without licence4. Applications5. Board may require information from applicant6. Grant of licence7. Renewals | <ol style="list-style-type: none">8. Board may impose conditions9. Board may require information from licensee10. Board may revoke licences11. Board to give notice of revocation or refusal to renew12. Offences13. Transitional Schedule |
|--|---|
-

1. Title and commencement—(1) These regulations may be cited as the Fish Export Licensing Regulations 1982.

(2) Subject to regulation 5 (3) of these regulations, these regulations shall come into force on the 1st day of October 1982.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Fishing Industry Board Act 1963:

“Licence” means a licence issued by the Board under regulation 6 of these regulations:

“Licensee” means the holder of a current licence:

“Relevant fish product” means fish, fishmeal, and fish oil; and includes all fish and fish products (being fish or fish products containing more than 5 percent by weight of fish) intended for any of the following purposes:

- (a) Human consumption:
- (b) Bait:
- (c) The manufacture of fishmeal:
- (d) The manufacture of fish oil.

3. No exporting of fish or fish products without licence—

(1) Subject to subclause (2) of this regulation, no person who is not a licensee shall export any relevant fish product.

(2) Any person, whether or not he is a licensee, may export any relevant fish product if the amount of that product exported in any one consignment does not exceed 10 kg.

4. Applications—Every application for a licence shall—

- (a) Be made to the Board on a form provided by it for the purpose; and
- (b) Specify the day (being the 30th day of September following the issue of the licence or the 30th day of September in any of the 4 following years) on which the applicant wishes the licence to expire; and
- (c) Be accompanied by—
 - (i) Either a fee of \$400 or such lesser fee as is for the time being specified in that behalf by the Board by notice in the *Gazette*; and
 - (ii) Where the applicant has specified under paragraph (b) of this regulation a day later than on 30th day of September following the issue of the licence, a further fee calculated at a rate of either \$125, or such lesser amount as is for the time being specified in that behalf by the Board by notice in the *Gazette*, for every year after that 30th day of September until the day specified.

5. Board may require information from applicant—(1) The Board may require an applicant for a licence to produce evidence of his business experience and financial position, and any other information the Board considers relevant.

(2) The Board shall, as soon as is practicable after the making of these regulations and from time to time thereafter as its requirements alter, publish in the *Gazette* a notice specifying the kinds of information it requires under subclause (1) of this regulation.

(3) Subclause (2) of this regulation and this subclause shall come into force on the day after the date of the notification of these regulations in the *Gazette*.

6. Grant of licence—(1) Subject to section 35A of the Act, on receiving an application for a licence, the Board shall issue a licence to the applicant if, and only if, he has produced all, or in the opinion of the Board a

sufficient amount, of the information required under regulation 5 of these regulations to be produced by the applicant to the Board, and the Board is satisfied that—

- (a) The applicant complies in all respects with all other statutory requirements relating to fish; and
- (b) The applicant has the capability to be an effective exporter of relevant fish products; and
- (c) Either—
 - (i) Neither the applicant nor any person in the opinion of the Board likely to be involved in the exporting operations of the applicant has been convicted of an offence under any enactment relating to fish or to exporting, or has had a licence revoked or been involved in the exporting operations of any person whose licence has been revoked; or
 - (ii) Where the applicant or any such person has been so convicted, or has had a licence revoked or been involved in the exporting operations of any person whose licence has been revoked, it is likely that the applicant's exporting operations will be carried out properly.

(2) Subject to subclause (4) of this regulation, every licence, unless it is sooner revoked, shall continue in force until the day specified in the application for it; and, unless renewed, shall then expire.

(3) Subject to subclause (4) of this regulation, where any licence is renewed, it shall continue in force until the day specified in the application for renewal; and, unless it is further renewed, shall then expire.

(4) Where, before the expiration under subclause (2) or subclause (3) of this regulation of any licence, the licensee applies for its renewal, that licence shall not so expire until the 30th day of September concerned, or until the Board informs the licensee that it does not intend to renew the licence, whichever is the later.

7. Renewals—(1) Every application for the renewal of a licence shall—

- (a) Be made to the Board on a form provided by it for the purpose; and
 - (b) Specify the day on which the applicant wishes the renewal to expire (being the 30th day of September following the day on which the licence would otherwise have expired, or the 30th day of September in any of the 4 following years); and
 - (c) Be accompanied by a fee calculated at the rate of either \$125, or such lesser amount as is for the time being specified in that behalf by the Board by notice in the *Gazette*, for every year between the day on which the licence would otherwise expire and the day specified under paragraph (b) of this subclause.
- (2) Subject to section 35A of the Act and to subclause (3) of this regulation, the Board shall renew a licence if, and only if,—
- (a) It has not already expired under these regulations; and
 - (b) The Board is satisfied of the matters specified in subclauses (a) to (c) of regulation 6 of these regulations in relation to the licensee.
- (3) Subject to section 35A of the Act, the Board may refuse to renew any licence if the licensee has not at any time within the previous 2 years exported any relevant fish product from New Zealand.
- (4) When it renews a licence, the Board shall issue a certificate of renewal to the licensee.

8. Board may impose conditions—(1) Subject to subclause (2) of this regulation, on its grant or renewal, or at any other time, the Board may, by written notice to the licensee, attach to a licence such conditions relating to the orderly export of relevant fish products as the Board thinks fit; and the Board may at any time in the same manner vary or revoke any condition so attached.

(2) The Board shall not attach to any licence any condition relating to particular species of fish, or to the presentation of relevant fish products, or to particular markets or segments of markets, unless either—

- (a) The Board has consulted the New Zealand Seafood Processors' and Exporters' Association (Inc.), the New Zealand Fish Exporters' Association (Inc.), and every other trade organisation whose views the Board considers relevant; or
- (b) A similar condition is already attached to some other licence.

9. Board may require information from licensee—The Board may at any time require a licensee to produce to the Board any information relating to the licensee's fishing or exporting operations, and may require the licensee to verify by statutory declaration any information produced.

10. Board may revoke licences—The Board may at any time revoke a licence if it is satisfied that—

- (a) The licensee has failed to comply with any condition attached to the licence; or
- (b) Since the issue of the licence, any person in the opinion of the Board involved or likely to be involved in the exporting operations of the licensee has been convicted of an offence under these regulations or any other enactment relating to fish or to exporting; or
- (c) Since the issue of the licence, there has become involved in the exporting operations of the licensee any person who—
 - (i) Has had a licence revoked, or been involved in the exporting operations of any person whose licence has been revoked; and
 - (ii) In the opinion of the Board, is likely to have an adverse effect on the exporting operations of the licensee; or
- (d) The licensee has demonstrated that he lacks the capacity to be an effective exporter of relevant fish products.

11. Board to give notice of revocation or refusal to renew—Where the Board revokes or refuses to renew a licence, it shall give the licensee written notice to that effect.

12. Offences—Every person commits an offence against these regulations who—

- (a) Not being a licensee, exports any relevant fish product; or
- (b) Exports any relevant fish product otherwise than in accordance with all the conditions attached to his licence; or
- (c) Being required under regulation 9 of these regulations to provide any information to the Board, fails or neglects to provide that information within a reasonable time of its being required to be provided or wilfully provides any information that is false or misleading; or

- (d) Without the consent of the person who provides it, discloses, otherwise than for the purposes of these regulations or the Act, any information that has come into his possession, directly or through other persons, by virtue of its having been provided to the Board by that person under regulation 5 or regulation 9 of these regulations.

13. Transitional—Every exporter specified in the Schedule to these regulations shall be deemed to have been issued with a licence, expiring on the 30th day of September 1983 unless renewed under these regulations, on the commencement of these regulations; and these regulations shall apply to each deemed licence accordingly.

Reg. 13

SCHEDULE

EXISTING FISH EXPORTERS

Agrex Export and Marketing Ltd.	P.O. Box 3681	...	Auckland
A. H. Turnbull & Co. Ltd.	...	...	Christchurch
Akarana Exports Ltd.	...	...	Auckland
Allied Fisheries NZ Ltd.	...	...	Wellington
Amalgamated Fisheries Ltd.	...	...	Christchurch
Amalgamated Marketing Ltd.	...	...	Auckland
Amalsov Fish Ltd.	...	...	Auckland
Angus McNeill & Co. Ltd. (Seasmoke)	...	...	Nelson
Anton's Seafoods Ltd.	...	...	Auckland
Antrik International (NZ) Ltd.	...	...	Auckland
Auckland Enterprises	...	...	Auckland
	156 Clovelly Road, Bucklands Beach		
Ballande (NZ) Ltd.	...	...	Auckland
Batchelor Export Ltd.	...	...	Mt Maunganui
Becroft Bros Export Ltd.	...	...	Auckland
	P.O. Box 22-274, Otahuhu		
Blenheim Fisheries Ltd.	...	...	Christchurch
Blue Pacific Fisheries...	...	...	Whakatane
Bluff Fisherman's Co-operative Ltd.	...	...	Invercargill
Brookland FBM Limited	...	...	Auckland
Bubbling Springs Salmon Farm Co.	...	...	Takaka
Chatham and Feron (NZ) Ltd.	...	...	Christchurch
C Itoh & Co (NZ) Ltd.	...	...	Wellington
Columbia Exports Ltd.	...	...	Auckland
Coromandel Fish Exporters 1976 Ltd.	...	...	Coromandel
Craymac International Ltd.	...	...	Auckland 4
Crosby Exports Ltd.	...	...	Auckland 1
C Sullivan (NZ) Ltd.	...	...	Auckland
Dalgety NZ Ltd. (Export/Import Department)	...	...	Wellington
	P.O. Box 1397		
Deep Cove Fisheries Ltd.	...	...	Timaru
Deep Sea Fisheries Ltd.	...	...	Napier
Direct Fish Supplies (Napier) Ltd.	...	...	Napier
D M Palmer Ltd.	...	...	Auckland
Enterprise Exports	...	...	Auckland
	156 Clovelly Road, Bucklands Beach		
Entrad Exports Ltd.	...	...	Auckland
Far East Export Co. Ltd.	...	...	Auckland
	P.O. Box 4042 Takapuna		
Far North Fisheries Ltd.	...	...	Awanui
Ffowcs Williams Ltd.	...	...	Auckland 2
	P.O. Box 47-199, Ponsonby		
Fish Export Development Co. Ltd.	...	...	Nelson
	P.O. Box 555		

SCHEDULE—*continued*

Fletcher Sovrybflot Fishing Ltd.	...	P.O. Box 1550	...	Dunedin
Gamma Natural Products Ltd.	...	P.O. Box 11-084	...	Christchurch 4
General Foods Corp (NZ) Ltd.	...	P.O. Box 17-180, Greenlane	...	Auckland 5
Glenn Reid Export Co. Ltd.	...	P.O. Box 713	...	Auckland 1
Halma Holdings Ltd.	...	P.O. Box 31-149, Milford	...	Auckland
Hikurangi Fisheries Ltd.	...	P.O. Box 18	...	Hikurangi
Hygrade Seafoods Ltd.	...	P.O. Box 2640	...	Wellington
Independent Fisheries Ltd.	...	P.O. Box 19-554, Woolston	...	Christchurch
International Marketing Corporation Ltd.	...	P.O. Box 19-121	...	Auckland 7
Intracor Commodity Exports Ltd.	...	C.P.O. Box 3261	...	Auckland 1
Jaybel Nichimo Trading Ltd.	...	P.O. Box 4143	...	Auckland
Johnson and De Rijk Ltd.	...	P.O. Box 844	...	Invercargill
Jurie Shipping Co. (1964) Ltd.	...	P.O. Box 9207	...	Wellington
J Wattie Canneries Ltd.	...	P.O. Box 1041	...	Gisborne
Kanematsu-Gosho (NZ) Ltd.	...	P.O. Box 2472	...	Auckland
Kennick Trading (International) Ltd.	...	C.P.O. Box 3851	...	Auckland
Kia Ora Seafoods Ltd.	...	P.O. Box 3317	...	Auckland 1
Lane Nicholas International Ltd.	...	P.O. Box 9681	...	Auckland
Lane Walker Rudkin Industries Ltd.	...	P.O. Box 992	...	Christchurch
Leigh Fisheries Ltd.	...	P.O. Box 19	...	Warkworth
Levin Eel Trading Co. Ltd.	...	P.O. Box 1057	...	Levin
Mair Foods Ltd.	...	P.O. Box 1477	...	Christchurch
Mathias LWR Ltd.	...	P.O. Box 2109	...	Auckland 1
McFarlane Fisheries Ltd.	...	117 Landsford Crescent, Avondale	...	Auckland
Melba International Ltd.	...	P.O. Box 1238	...	Wellington
Mitsubishi NZ Ltd.	...	P.O. Box 1959	...	Auckland 1
M. L. Newman and Co. Ltd.	...	P.O. Box 9654	...	Auckland
Mortco Seafoods Ltd.	...	P.O. Box 23-544, Papatoetoe	...	Auckland
N & B Takase Ltd.	...	P.O. Box 11-241, Ellerslie	...	Auckland
Nelson Fisheries Ltd.	...	P.O. Box 144	...	Nelson
Nelson Packhouse Co-operative Ltd.	...	P.O. Box 2067	...	Stoke
NZ & Far East Ltd.	...	P.O. Box 9616	...	Wellington
NZ Eel Processing Co. Ltd.	...	P.O. Box 43	...	Te Kauwhata
NZ Export Import Corporation	...	P.O. Box 11-332	...	Wellington
NZ Fisheries Ltd.	...	55 Cable Street	...	Wellington
NZ Overseas Trading Corp Ltd.	...	P.O. Box 4159	...	Auckland
NZ Pelagic Fisheries Development Co. (1976) Ltd.	...	P.O. Box 10-056	...	Te Rapa
NZ Squid Co. Ltd.	...	P.O. Box 10-056	...	Te Rapa
Nissho-Iwai Co. NZ Ltd.	...	P.O. Box 4073	...	Auckland
Ocean Products Ltd.	...	P.O. Box 48	...	Whitianga
Otakou Fisheries Ltd.	...	P.O. Box 5086	...	Dunedin
Pacific Tuna Ltd.	...	P.O. Box 4214	...	Mt Maunganui
P & W Henderson Ltd.	...	P.O. Box 25-096	...	Christchurch
Polmark Fisheries Ltd.	...	C.P.O. Box 3248	...	Auckland
Port Fisheries Ltd.	...	P.O. Box 588	...	Whangarei
Prepared Foods Ltd.	...	P.O. Box 942	...	Palmerston North
Pukekohe Fisheries Ltd.	...	P.O. Box 273	...	Pukekohe
R C Macdonald Ltd.	...	P.O. Box 1201	...	Wellington
Regan and Savage Ltd.	...	C.P.O. Box 1496	...	Auckland
Regent Distributors Ltd.	...	P.O. Box 2904	...	Auckland
Rock Isle Seafoods Ltd.	...	945 Beach Road, Torbay	...	Auckland
Sanford Ltd.	...	P.O. Box 443	...	Auckland
Sea Game New Zealand Ltd.	...	P.O. Box 3840	...	Auckland
Sealord Products Ltd.	...	P.O. Box 11	...	Nelson
Select Seafoods (Exports) Ltd.	...	P.O. Box 13-324	...	Auckland 5
Sherwood Producers & Exporters Ltd.	...	P.O. Box 26-085	...	Auckland 3

SCHEDULE—*continued*

S. L. Nicholas and Co. Ltd. ...	...	P.O. Box 9681	...	Auckland
Solander Fisheries Ltd. ...	...	P.O. Box 555 ...	...	Nelson
South Pacific Field Enterprises Ltd	...	'Homebush' Rural Delivery 1	...	Gisborne
South Pole Seafoods ...	...	P.O. Box 1286, Mt Eden	...	Auckland
Stewart Island Fisherman's Co-op Ltd.	...	P.O. Box 844 ...	...	Invercargill
Strathallan Fisheries Ltd. ...	...	P.O. Box 2109	...	Auckland
Tai Exports ...	...	P.O. Box 328 ...	...	Thames
Takaroa Sea Products Ltd. ...	...	P.O. Box 2109	...	Auckland
Talley's Fisheries Ltd. ...	...	P.O. Box 5 ...	...	Motueka
Tara Exports Ltd. ...	...	P.O. Box 24-130, Royal Oak	...	Auckland
Taranaki Fish Distributors Ltd.	...	P.O. Box 820 ...	...	New Plymouth
Taspac Seafoods Exports Ltd. ...	...	P.O. Box 1293	...	Auckland
Tauranga Mount Seafoods Ltd.	...	P.O. Box 5081	...	Mount Maunganui
Taylor's Fisheries Ltd. ...	...	P.O. Box 39 ...	...	Thames
Thomas Richard and Co. Ltd. ...	...	P.O. Box 4224	...	Auckland
Tide Farm ...	...	R D 2	...	Warkworth
TNL Export (Auckland) Ltd. ...	...	C.P.O. Box 1993	...	Auckland
Tokyo Maruichi Shoji Co. (NZ) Ltd.	...	C.P.O. Box 4330	...	Auckland
Townsend and Paul Ltd. ...	...	P.O. Box 298 ...	...	Napier
Trade Span NZ Ltd. ...	...	P.O. Box 3649	...	Wellington
United Fisheries Ltd. ...	...	P.O. Box 2131	...	Christchurch
Urwin and Company Ltd. ...	...	P.O. Box 3 ...	...	Bluff
Vela Seafoods Ltd. ...	...	P.O. Box 10-056	...	Te Rapa
Virgo Fisheries Ltd. ...	...	New Wharf ...	...	Kaikoura
Wairau Fisheries Ltd. ...	...	P.O. Box 429 ...	...	Blenheim
Wales and Company ...	...	P.O. Box 3791	...	Auckland
Walter Tonks (1979) Ltd. ...	...	P.O. Box 809 ...	...	Wellington
Wanganui Trawlers Ltd. ...	...	P.O. Box 339, Castlecliff	...	Wanganui
Warren and Associates ...	...	P.O. Box 9601	...	Auckland 5
Wellington Cold Storage Ltd. ...	...	P.O. Box 51-185	...	Tawa
Westland Processors Ltd. ...	...	P.O. Box 12 ...	...	Hokitika
W H Grove & Sons Ltd. ...	...	P.O. Box 3718	...	Auckland 1
Whiteman Export Ltd. ...	...	P.O. Box 1668	...	Auckland 1
Wilson Neill Export Services Ltd.	...	P.O. Box 958 ...	...	Dunedin
W M Scollay & Co. Ltd. ...	...	P.O. Box 2111	...	Auckland
Wrightson Exports (Wrightson Ltd.)	N.M.A.	P.O. Box 480 ...	...	Wellington
Wyborn Marine Farms Ltd. ...	...	P.O. Box 55 ...	...	Coromandel

P. G. MILLEN,
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 require all exporters of fishmeal, fish oil, or fish, or fish products intended for human consumption, bait, or the manufacture of fishmeal or fish oil, to be licenced. Provision is made for the issue of licences, both unconditionally and subject to conditions, the renewal and cancellation of licences, and the provision of information to the Fishing Industry Board by licensees and prospective licensees. Several offences are created, including exporting without a licence, and the disclosure of information provided to the Board under the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 September 1982.

These regulations are administered in the Ministry of Agriculture and Fisheries.