



# Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2006

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 3rd day of July 2006

Present:

Her Excellency the Governor-General in Council

Pursuant to section 296B of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Fisheries after consulting the Minister for the Environment, makes the following order.

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**Schedule**  
**Functions, duties, and powers transferred to SeaFIC**

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**Order**

**1 Title**

This order is the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2006.

**2 Commencement**

This order comes into force on 1 October 2006.

**3 Interpretation**

(1) In this order, unless the context otherwise requires,—

**Act** means the Fisheries Act 1996

**SeaFIC** means The New Zealand Seafood Industry Council Limited.

(2) Any term or expression that is defined in the Act or regulations made under the Act and used, but not defined, in this order has the same meaning as in the Act or those regulations.

**4 SeaFIC declared to be approved service delivery organisation**

SeaFIC is declared to be an approved service delivery organisation for the period beginning on 1 October 2006 and ending with the close of 30 September 2013.

**5 Transfer of chief executive's functions, duties, and powers to SeaFIC**

The chief executive's functions, duties, and powers listed in the Schedule are transferred to SeaFIC on and from 1 October 2006.

**6 Certain data and information of SeaFIC is property of the Crown**

All data and information received, held, or generated by SeaFIC in relation to the functions, duties, and powers transferred by this order to SeaFIC is the property of the Crown.

**7 Rights of the Crown in relation to certain data and information of SeaFIC**

- (1) This clause applies to all data and information received, held, or generated by SeaFIC in relation to the functions, duties, and powers transferred by this order to SeaFIC.
- (2) The Crown has, and SeaFIC must provide to the Crown, at no cost to the Crown, access to the data and information in accordance with standards and specifications issued by the Minister under the Act.
- (3) The Crown has full rights to use the data and information.
- (4) Without limiting subclause (3), the Crown may use the data and information for 1 or more of the following purposes:
  - (a) to further the purpose of the Act;
  - (b) to undertake research on matters related to the Act;
  - (c) to provide public access to the data and information as required by the Act;
  - (d) to comply with requirements under the Overseas Investment Act 2005;
  - (e) to comply with legislative requirements relating to archives and statistics.
- (5) This clause does not limit clause 6.

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**Schedule**

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**Functions, duties, and powers transferred to SeaFIC**

**Part 1**

**Statutory functions, duties, and powers transferred**

The functions, duties, and powers in the following sections of the Act: 22(1), (3), and (4); 23(1), (2), (4), (6), and (7); 25(6); 26(3); 36(4) and (5); 37(4); 47(4); 49(2); 58(1); 61(1); 63; 66; 67; 67A; 68(2) to (4), and (6); 78(4); 78A(4)(b); 79(2)(b); 79A(4)(b); 80; 98; 100; 101A; 102; 103(3); 104(2) and (3); 105(1), (2), and (3); 107; 124; 126 to 130; 132; 133(4); 136; 138; 138A; 145; 146; 148; 149; 152A; 153(3) and (5); 154; 159 to 163; 165; 166; 296ZAA; 305A to 305C (but only in relation to any approval, authority, decision, licence, permission, permit, or registration given, made, or completed under a function, duty, or power transferred by this order);

Part 1—*continued*

341(7) (but only in relation to registering forward transfers of annual catch entitlement); 345; 347; and 348.

Part 2

Functions, duties, and powers in regulations transferred

The functions, duties, and powers in the following regulations:

- (1) regulations 5(2)(b) and (3) and 8(2) (but only in relation to certificates for functions, duties, and powers transferred by this order) of the Fisheries (Commercial Fishing) Regulations 2001:
- (2) regulations 4(1), 5(1), and 7 of the Fisheries (Deemed Value and Notification of Balances) Regulations 2001:
- (3) regulations 5, 6, 9A, 10, and 11 of the Fisheries (Licensed Fish Receivers) Regulations 1997:
- (4) the Fisheries (Registers) Regulations 2001 (excluding regulations 9 and 10):
- (5) regulations 6(3), 7 to 9, 13(2), 14 to 15A, 16(2) and (3), and 17 to 20 of the Fisheries (Order of Transactions) Regulations 2001:
- (6) regulations 3 (in relation to client numbers), 7(1) (excluding paragraph (d)), (4)(b), (5), and (6), 14 (in relation to the persons specified in section 189(a) to (e) of the Act, but excluding holders of special permits and masters and owners of vessels), 15(1) and (2), 16, 18(2)(b), 19(1) and (2), 20(1), 26, 29(2)(c) and (j), 30(1)(c), 32(3) (in relation to returns that are the responsibility of SeaFIC under this order), and 39 (in relation to licensed fish receiver returns, licensed fish receiver return amendments, monthly harvest returns, and monthly harvest return amendments) of the Fisheries (Reporting) Regulations 2001:
- (7) to receive applications and notify decisions, amendments, and revocations under the Fisheries (Satellite Vessel Monitoring) Regulations 1993.

Part 3

Non-statutory duties transferred

The following functions, duties, and powers:

- (1) to monitor fishers' compliance with the aggregation limits in section 59 of the Act:

Part 3—*continued*

- (2) to monitor fishers' compliance with minimum holdings required by section 74 of the Act:
- (3) to collect information from owners of individual transferable quota and annual catch entitlement before registering transfers of individual transferable quota and annual catch entitlement under sections 132 and 133 of the Act:
- (4) to receive applications for exemption from prohibitions imposed because of breaches of over-fishing thresholds:
- (5) to receive applications to register fish carriers:
- (6) to allocate unique identifiers to—
  - (a) persons within section 189(a) to (e) of the Act; and
  - (b) persons within section 189(f) to (j) of the Act who apply to become clients of the Ministry; and
  - (c) associated persons, masters and owners of vessels, and people who have financial dealings with the Ministry:
- (7) to collect and update information and declarations to identify the details of classes of persons referred to in paragraph (6)(a):
- (8) in relation to a function, duty, or power transferred by this order, to check against minimum requirements in the Act and standards and specifications issued by the Minister under the Act—
  - (a) transactions (including applications for permissions, licences, authorisations, approvals, and dealings with quota or annual catch entitlements):
  - (b) permissions, licences, authorisations, or approvals that have been issued:
  - (c) returns and information referred to in section 189 of the Act:
- (9) to develop for approval forms for use in relation to any function, duty, or power transferred by this order:
- (10) to receive and make decisions, in accordance with standards and specifications set by the Minister, on applications for licensed fish receivers' licences:
- (11) to manage and keep records of any consents granted for overseas investments in fishing quota under the overseas investment fishing provisions of the Act:
- (12) to notify persons who are exempt from minimum holding requirements under section 74(2) of the Act:

Part 3—*continued*

- (13) to receive applications to register fishing vessels:
- (14) to monitor overfishing thresholds and determine when conditions imposed under section 78(2) of the Act take effect:
- (15) to notify the relevant persons when conditions imposed under section 78(2) or 78A(1) of the Act cease to apply:
- (16) to administer approvals granted, or conditions imposed, under section 78(6) of the Act:
- (17) to notify applicants of a consent given under section 103(4) of the Act:
- (18) to receive applications—
  - (a) to register automatic location communicators:
  - (b) for type approvals for automatic location communicators:
- (19) to receive applications for dispensations under the Fisheries (Satellite Vessel Monitoring) Regulations 1993:
- (20) to notify the holder of a registered automatic location communicator of the cancellation of the registration:
- (21) to provide the Minister with statements, reports, agreements, particulars, performance reports, or other information in respect of the functions, duties, and powers transferred by this order to assure the Minister that the functions, duties, and powers are being delivered in accordance with—
  - (a) the Act and regulations made under it; and
  - (b) the standards and specifications issued by the Minister:
- (22) to establish and use a quality assurance programme in relation to reports provided to the Minister:
- (23) to appoint a qualified auditor to audit information to be supplied to the Minister under section 296ZC of the Act:
- (24) to ensure, in relation to the functions, duties, and powers transferred by this order, that the source of a document or information received is identified:
- (25) to ensure that a document produced for the purposes of the Act is the original document:
- (26) to record on the Permit Register conditions imposed under any of sections 78(2), 78(6), and 78A(1) of the Act:
- (27) to record on the Permit Register when conditions imposed under any of sections 78(2), 78(6), and 78A(1) of the Act cease to apply under section 78(9) or are removed under section 78B of the Act:

Part 3—*continued*

- (28) in relation to any function, duty, or power transferred by this order, to ensure that—
- (a) the date and time at which a document was received, used, or generated is recorded:
  - (b) a document is tracked:
  - (c) a document is maintained securely:
  - (d) the following persons can be identified:
    - (i) persons who have or had access to documents:
    - (ii) persons who have or had the ability to alter documents:
- (29) to issue licensed fish receiver return books, monthly harvest return books, licensed fish receiver amendment return forms, and monthly harvest amendment return forms:
- (30) to maintain a database of persons required to furnish licensed fish receiver returns and monthly harvest returns:
- (31) to receive licensed fish receiver returns, licensed fish receiver returns amendments, monthly harvest returns, and monthly harvest returns amendments, and maintain a computerised record of information in them:
- (32) to notify a person who has failed to comply with the requirements to furnish a licensed fish receiver return or a monthly harvest return:
- (33) to notify the Minister of overdue licensed fish receiver returns or monthly harvest returns:
- (34) to request, if appropriate, amendments to licensed fish receiver returns or monthly harvest returns, and to notify the Minister of amendments not made within the time the amendments are requested to be made:
- (35) to validate licensed fish receiver returns and monthly harvest returns in accordance with standards and specifications issued by the Minister:
- (36) to report to the Minister errors and inconsistencies in information supplied to SeaFIC under a function, duty, or power transferred by this order and used by SeaFIC in the exercise of the function, duty, or power:
- (37) to monitor and compare reported catch against—
- (a) catch limits imposed on fishing permits under section 92 of the Act:
  - (b) catch limits set under sections 11 and 15 of the Act:

Part 3—*continued*

- (c) catch limits imposed on foreign vessel licences under section 83 of the Act:
  - (d) catch limits imposed on any special permit issued under section 97 of the Act:
  - (e) catch limits set on foreign vessel approvals under section 112 of the Act:
  - (f) catch limits set on high seas fishing permits under section 113K of the Act:
- (38) to report to the Minister the results of the comparison under paragraph (37):
- (39) to notify eligible commercial fishers of catch against—
- (a) catch limits imposed on fishing permits under section 92 of the Act:
  - (b) catch limits set under sections 11 and 15 of the Act:
  - (c) catch limits imposed on foreign vessel licences under section 83 of the Act:
  - (d) catch limits imposed on any special permit issued under section 97 of the Act:
  - (e) catch limits set on foreign vessel approvals under section 112 of the Act:
  - (f) catch limits imposed as a condition of a high seas permit condition under section 113K of the Act:
- (40) to collect, process, and maintain statements of reported catch received from commercial fishers to monitor the catch limits referred to in paragraph (39) (except paragraph (e)):
- (41) to maintain a database of persons required to furnish inventory returns or annual audit reports:
- (42) to receive and maintain a record of information from inventory returns and annual audit reports:
- (43) if a person has failed to furnish an annual inventory return or an annual audit report as required, to notify the person of the failure:
- (44) to advise the Minister of any overdue annual inventory returns and annual audit reports:
- (45) to request, if appropriate, amendments to annual inventory returns and annual audit returns, and to notify the Minister of amendments not made within the time the amendments are requested to be made:



Part 3—*continued*

- (46) to validate annual inventory returns and annual audit returns in accordance with standards and specifications issued by the Minister:
- (47) to monitor and compare reported catch with catch limits imposed under the Act:
- (48) to notify eligible commercial fishers of catch in relation to catch limits imposed under the Act:
- (49) to collect, process, and maintain statements of reported catch from commercial fishers for the purpose of monitoring catch limits imposed under the Act.

Diane Morcom,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 1 October 2006, carries over most of the provisions of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2001. Under that order, The New Zealand Seafood Industry Council Limited (**SeaFIC**) is declared to be an approved service delivery organisation for the period beginning on 1 October 2001 and ending with the close of 30 September 2006.

This order—

- declares SeaFIC to be an approved service delivery organisation for a further period beginning on 1 October 2006 and ending with the close of 30 September 2013; and
- transfers to SeaFIC certain statutory and non-statutory functions, duties, and powers of the Chief Executive of the Ministry of Fisheries that relate to the administration of quota and commercial fisheries under the Fisheries Act 1996.

The functions, duties, and powers that are transferred to SeaFIC under this order are substantially the same as those that have been transferred to SeaFIC under the Fisheries (Transfer of Functions,

Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2001, except that—

- those functions, duties, and powers have been reorganised and renumbered in this order; and
- references to repealed or revoked enactments have been removed.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 6 July 2006.  
This order is administered by the Ministry of Fisheries.

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