



# Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 28th day of February 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 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 (South Tasman Rise Orange Roughy Fishery) Regulations 2000.

### 2 Commencement

These regulations come into force on 1 March 2000.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—  
**annual catch limit**, in relation to a season, means the green-weight tonnage of orange roughy that may be taken in that season from the high seas area of the South Tasman Rise, as determined in accordance with the Arrangement

**Arrangement**—

- (a) means the Arrangement referred to in regulation 4; and
- (b) includes any variation of the provisions of the Arrangement entered into in a manner provided by the Arrangement

**Australian fishing zone** has the meaning given to it by the Fisheries Management Act 1991 (Commonwealth of Australia)

**Fishing Vessel Register** means the vessel register kept under section 57 of the Fisheries Act 1983

**high seas area of the South Tasman Rise** means the area lying outside of and adjacent to the Australian fishing zone in waters generally south of Tasmania and enclosed by the line—

- (a) commencing at the point 48° 30'S, 150°E; then
- (b) running west along the parallel of latitude 48° 30'S to the point 48° 30'S, 146° 30'E; then
- (c) north along the meridian of longitude 146° 30'E to its intersection with the outer limit of the Australian fishing zone; then
- (d) generally easterly and north-easterly along the outer limit of the Australian fishing zone to its first intersection with the meridian of longitude 150°E; then
- (e) south along that meridian to the point of commencement

**New Zealand national** means—

- (a) a New Zealand citizen; or
- (b) a person who is ordinarily resident in New Zealand; or
- (c) a body corporate established by or under New Zealand law

**New Zealand ship** has the meaning given to it by section 2(1) of the Ship Registration Act 1992

**orange roughy** means the fish with the scientific name *Hoplostethus atlanticus*

**Party** means a Party to the Arrangement

**season** means the period of 12 months beginning on 1 March in a year and ending with the close of the last day of February in the next year.

#### 4 Purpose

The purpose of these regulations is to give effect to the Arrangement Between the Government of New Zealand and the Government of Australia for the Conservation and Management of Orange Roughy on the South Tasman Rise dated 25 February 2000.

#### 5 Application

These regulations apply to—

- (a) any person who is using a New Zealand ship to engage in trawling or other demersal fishing in the high seas area of the South Tasman Rise; and
- (b) any New Zealand national who is using a ship, that is not registered under the Ship Registration Act 1992, to engage in trawling or other demersal fishing in that area; and
- (c) transshipment, other than in port, of fish or aquatic life taken by trawling or other demersal fishing in that area by persons using a New Zealand ship or by New Zealand nationals using a vessel that is not registered under the Ship Registration Act 1992; and
- (d) the landing in New Zealand of fish or aquatic life taken by trawling or other demersal fishing in that area.

## **6 Annual catch limits**

- (1) As at 1 March 2000, New Zealand's annual catch limit for the season beginning on that date is 500 greenweight tonnes.
- (2) As soon as practicable before the start of each of the subsequent seasons, the chief executive must publish in the *Gazette* a notice setting out the annual catch limit for that season.
- (3) If, during the season beginning on 1 March 2000 or during a subsequent season, the Parties agree to vary the annual catch limit for that season,—
  - (a) the chief executive must publish in the *Gazette* a notice setting out the varied annual catch limit for that season; and
  - (b) the notice must specify the date the varied annual catch limit takes effect and that date may not be earlier than the day after the date on which the notice is published.

## **7 Closure of fishery**

- (1) As soon as practicable after becoming aware that New Zealand's annual catch limit for a season has been or is about to be reached, the chief executive must close the fishery by notice given in writing to holders of authorisations issued under these regulations.
- (2) A closure under subclause (1) remains in force until the earlier of the following things happens:
  - (a) the closure is lifted by the chief executive by notice given in writing to holders of authorisations issued under these regulations;
  - (b) the next season begins.

## **8 Authorisation required for trawling or other demersal fishing in fishery**

- (1) No person to whom these regulations apply may use a ship to engage in trawling or other demersal fishing in the high seas area of the South Tasman Rise unless—
  - (a) the person does so under the authority of, and in accordance with, an authorisation issued under regulation 16 in respect of that ship; and
  - (b) the ship is registered—
    - (i) under the Ship Registration Act 1992; and

- (ii) in the Fishing Vessel Register as a fishing vessel;  
and
  - (c) the holder of the authorisation is the operator of that fishing vessel.
- (2) No person to whom these regulations apply may engage in trawling or other demersal fishing in the high seas area of the South Tasman Rise under the authority of an authorisation issued under regulation 16 unless the person is—
  - (a) the holder of that authorisation; or
  - (b) an employee or agent of the holder of that authorisation.

## **9 Authorised New Zealand nationals may use vessel not registered under Ship Registration Act 1992**

Despite regulation 8, a New Zealand national may engage in trawling or other demersal fishing in the high seas area of the South Tasman Rise, using a ship that is not registered under the Ship Registration Act 1992, if the person does so under the authority of an authorisation issued by a Party other than New Zealand.

## **10 Landing fish**

No person may land in New Zealand any fish or aquatic life taken by trawling or other demersal fishing in the high seas area of the South Tasman Rise unless that fish or aquatic life was taken under the authority of an authorisation issued under regulation 16 or issued by a Party other than New Zealand.

## **11 Transshipment of fish**

No person may transship, other than in port, any fish or aquatic life taken by trawling or other demersal fishing in the high seas area of the South Tasman Rise.

## **12 Application for authorisation**

- (1) A person who wishes to obtain an authorisation under regulation 16 must make an application in writing to the chief executive.
- (2) An application must be accompanied by the appropriate prescribed fee (if any).

**13 Further particulars may be required**

Even though an applicant may have complied with regulation 12, the chief executive may require the applicant to provide further information to assist the chief executive in considering the application.

**14 Proof of information**

The chief executive may require an applicant to provide, in such form as the chief executive may specify, proof of information given by the applicant.

**15 Issue of authorisation**

- (1) The chief executive may issue an authorisation under regulation 16 to an applicant or decline to do so.
- (2) Before issuing an authorisation under regulation 16 to an applicant, the chief executive may have regard to—
  - (a) the previous offending history (if any), in relation to fishing or transportation (whether within the national fisheries jurisdiction of New Zealand or another country, or on the high seas), of the vessel's owner, operator, notified user, master, or crew; and
  - (b) such other matters as the chief executive considers relevant.

**16 Term and content of authorisation**

- (1) An authorisation under this regulation may be issued for 1 season only and lapses at the end of that season.
- (2) An authorisation under this regulation must state—
  - (a) the name of the holder; and
  - (b) the fishing vessel to which the authorisation relates; and
  - (c) any conditions to which the authorisation is subject under subclause (3).
- (3) The chief executive may make an authorisation under this regulation subject to conditions, including conditions relating to—
  - (a) the keeping of records and the completing and furnishing of reports;
  - (b) the installation, operation, and maintenance of specified electronic navigation systems or vessel monitoring systems;

- (c) the receipt of, and accommodation and assistance to, observers on vessels:
  - (d) the specification of the means of communication, and contact persons, for the receipt of Ministry directions and notifications:
  - (e) the retention on board of any catch taken:
  - (f) the landing of fish:
  - (g) the delivery of fish to licensed fish receivers.
- (4) The chief executive may, at any time,—
- (a) revoke an authorisation under this regulation; or
  - (b) amend or revoke any conditions imposed under sub-clause (3).
- (5) Any revocation of an authorisation, or amendment or revocation of a condition, under this regulation takes effect at and from the time notice of the revocation or amendment is given to the person holding the authorisation.

## **17 Authorisation to be carried on board**

- (1) An authorisation issued under regulation 16, or a copy of the authorisation, must be carried on board the vessel to which it relates.
- (2) A person who engages in trawling or other demersal fishing in the high seas area of the South Tasman Rise must produce the authorisation or copy to a fishery officer whenever reasonably requested to do so (whether or not the person is engaged in trawling or other demersal fishing when the request is made).

## **18 Offences**

- (1) A person commits an offence if the person—
- (a) contravenes regulation 8 (which relates to the requirement to hold an authorisation under regulation 16); or
  - (b) contravenes regulation 10 (which relates to the landing in New Zealand of fish taken without an authorisation); or
  - (c) contravenes regulation 11 (which relates to the transshipment of fish or aquatic life); or
  - (d) the person fails to comply with any conditions of an authorisation issued under regulation 16; or

- (e) the person engages in trawling or other demersal fishing in the high seas area of the South Tasman Rise while the fishery is closed under regulation 7.
- (2) A person who commits an offence against this regulation is liable on summary conviction to a fine not exceeding \$100,000.

## 19 Giving of notices

- (1) In this section,—

**address** means a fax number or an electronic mail address

**electronic transmission** means any transmission of information sent electronically; and includes any transmission sent by fax, electronic mail, or electronic data transfer.

- (2) A notice is given to a person in accordance with these regulations if—
- (a) given to the person personally; or
  - (b) sent by registered post to the person at the person's usual or last known place of business or abode; or
  - (c) given personally to any other person authorised to act on behalf of the person; or
  - (d) sent by registered post to that other person at that other person's usual or last known place of business or abode; or
  - (e) sent by post to the person, or any other person authorised to act on the person's behalf, at that person's or other person's usual or last known place of business or abode; or
  - (f) sent by electronic transmission to the person, or any other person authorised to act on the person's behalf, at that person's or other person's usual or last known address.

## 20 Revocation

The Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 1999 (SR 1999/142) are revoked.

Marie Shroff,  
Clerk of the Executive Council.

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### 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 March 2000, are intended to give effect to the Arrangement Between the Government of New Zealand and the Government of Australia for the Conservation and Management of Orange Roughy on the South Tasman Rise.

The regulations give effect to the Arrangement by—

- setting out the annual catch limit agreed by the Parties for the season beginning on 1 March 2000, which is 500 greenweight tonnes;
- providing for the chief executive to notify in the *Gazette* the annual catch limit for subsequent seasons;
- providing for the chief executive to notify in the same way any agreed variations to an annual catch limit;
- prohibiting trawling and other demersal fishing in the high seas area of the South Tasman Rise without an authorisation issued under regulation 16 or issued by a Party other than New Zealand;
- prohibiting the landing in New Zealand of fish or aquatic life taken by trawling or other demersal fishing in the high seas area of the South Tasman Rise without an authorisation issued under regulation 16 or issued by a Party other than New Zealand;
- prohibiting the transshipment, other than in port, of fish or aquatic life taken by trawling or other demersal fishing in the high seas area of the South Tasman Rise;
- providing a fine not exceeding \$100,000 for offences against the regulations.

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These regulations are administered in the Ministry of Fisheries.

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