

Reprint
as at 1 October 2019



Customs Import Prohibition (Toothfish) Order 2018

(LI 2018/57)

Customs Import Prohibition (Toothfish) Order 2018: revoked, at the end of September 30 2019, by clause 3.

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of April 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 54 of the Customs and Excise Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) after the precondition in section 54(2) has been met.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the New Zealand Customs Service.

Order

1 Title

This order is the Customs Import Prohibition (Toothfish) Order 2018.

2 Commencement

This order comes into force on 11 May 2018.

Order: confirmed, on 19 December 2018, by section 11(d) of the Subordinate Legislation Confirmation Act (No 2) 2018 (2018 No 56).

3 Revocation of this order

This order is revoked at the end of 30 September 2019.

4 Interpretation

In this order,—

catch document means a *Dissostichus* catch document issued in accordance with the Conservation Measure

Commission means the Commission for the Conservation of Antarctic Marine Living Resources, established under Article VII of the Convention

Conservation Measure means the Conservation Measure 170/XVIII—

- (a) as adopted by the Commission in November 1999; but
- (b) as in force from time to time as readopted, with any amendments or modifications, by the Commission

Convention means the Convention on the Conservation of Antarctic Marine Living Resources that was opened for signature at Canberra on 1 August 1980

export document means a *Dissostichus* export document issued in accordance with the Conservation Measure

re-export document means a *Dissostichus* re-export document issued in accordance with the Conservation Measure

toothfish means any living or dead fish, and any flesh or other part of any fish (whether raw, or in any way processed or preserved), of the following species:

- (a) Antarctic toothfish (*Dissostichus mawsoni*);
- (b) Patagonian toothfish (*Dissostichus eleginoides*).

5 Certain toothfish imports prohibited

The importation of toothfish is prohibited unless—

- (a) the toothfish is covered by an appropriately completed catch document; and
- (b) if the toothfish has, at any time before the importation, been landed (within the meaning of the Conservation Measure), the toothfish is

covered by an appropriately completed export document or, if appropriate, re-export document.

6 Revocation

The Customs Import Prohibition (Toothfish) Order 2015 (LI 2015/64) is revoked.

Michael Webster,
Clerk of the Executive Council.

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 11 May 2018, is made under the Customs and Excise Act 1996. It prohibits the importation of 2 species of toothfish unless—

- the toothfish is covered by an appropriately completed catch document; and
- if the toothfish has, at any time before the importation, been landed (within the meaning of the Conservation Measure as defined in this order), the toothfish is covered by an appropriately completed export document or, if appropriate, re-export document.

Those documents are required by the catch documentation scheme for toothfish under Conservation Measure 170/XVIII. That Conservation Measure was adopted by the Commission for the Conservation of Antarctic Marine Living Resources in 1999, under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (sometimes called CCAMLR). The Conservation Measure is from time to time carried forward, with any amendments or modifications, by the Commission (as, for example, in Conservation Measure 10-05 (2017)).

The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000 also give effect to the Conservation Measure.

This order continues the prohibition in the Customs Import Prohibition (Toothfish) Order 2015, and revokes that order.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 30 June 2019 under section 47C(1)(a) of that Act, unless earlier confirmed by an Act of Parliament. If the order is confirmed, it will be revoked at the end of 30 September 2019 (*see* clause 3). Revocation on 30 September 2019 aligns with the expiry of the Customs Import Prohibition (Southern Bluefin Tuna) Order 2016. Aligning the revocation and expiry dates will allow for consideration of whether both prohibitions should be re-implemented through regulations made under the Fisheries Act 1996, rather than the current mechanism of Orders in Council under the Customs and Excise Act 1996.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 12 April 2018.

Reprints notes

1 *General*

This is a reprint of the Customs Import Prohibition (Toothfish) Order 2018 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation Confirmation Act (No 2) 2018 (2018 No 56): section 11(d)

Customs Import Prohibition (Toothfish) Order 2018 (LI 2018/57): clause 3