



# Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 10th day of April 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 297(1)(o) 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 (Toothfish Catch Documentation Scheme) Regulations 2000.

## 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

## 3 Application

These regulations apply in respect of—

- (a) toothfish taken from or outside New Zealand fisheries waters; and
- (b) toothfish transhipped to or from a registered New Zealand ship at any place; and
- (c) toothfish landed in New Zealand by any vessel or landed at any other place by a registered New Zealand ship.

## 4 Interpretation

In these regulations, unless the context otherwise requires,—  
**catch document** means a catch document issued under Conservation Measure 170/XVIII adopted by the Commission in November 1999 in respect of the *Dissostichus* species; and includes any amendment or modification of the document adopted by the Commission

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

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

**New Zealand catch document** means a *Dissostichus* catch document issued by the Ministry of Foreign Affairs and Trade

**Party** means a Contracting Party to the Convention

**registered New Zealand ship** means a ship registered under the Ship Registration Act 1992

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

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

**5 Purpose**

The purpose of these regulations is to give effect to Conservation Measure 170/XVIII adopted by the Commission, in accordance with Article IX of the Convention.

**6 Duty of master of registered New Zealand ship when landing or transshipping toothfish**

The master of a registered New Zealand ship that takes toothfish must complete a New Zealand catch document, in accordance with the Ministry of Foreign Affairs and Trade's instructions issued with the document, when—

- (a) landing such toothfish from the ship in New Zealand or elsewhere; or
- (b) transshipping such toothfish from the ship to another vessel.

**7 Duty of master of registered New Zealand ship when receiving transshipment of toothfish**

- (1) The master of a registered New Zealand ship must ensure that a transshipment of toothfish is not received from another vessel unless the transshipment is accompanied by—
  - (a) an appropriately completed New Zealand catch document; or
  - (b) an appropriately completed catch document issued by a Party other than New Zealand.
- (2) When landing or transshipping toothfish received from another vessel, the master of a registered New Zealand ship must ensure that the landing or transshipment is accompanied by the appropriately completed catch document that he or she received with the toothfish.

**8 Duty of master of vessel not registered in New Zealand when landing toothfish**

The master of a vessel not registered under the Ship Registration Act 1992 must, when landing toothfish from the ship in New Zealand, complete the appropriate parts of a catch document issued by a Party other than New Zealand.

## 9 Offences and penalties

- (1) The master of a registered New Zealand ship commits an offence if the master contravenes regulation 6 (which relates to the requirement that, when landing or transshipping toothfish taken by the ship, a New Zealand catch document must be completed).
- (2) The master of a registered New Zealand ship commits an offence if the master contravenes regulation 7 (which relates to the requirement that, when receiving a transshipment of toothfish and when subsequently landing or transshipping that fish, an appropriate completed catch document must accompany the transshipment that is received and the subsequent landing or transshipment).
- (3) The master of a vessel not registered under the Ship Registration Act 1992 commits an offence if the master contravenes regulation 8 (which relates to the requirement that, when landing toothfish in New Zealand, a catch document issued by a Party other than New Zealand must be completed).
- (4) A master who commits an offence against this regulation is liable on summary conviction to a fine not exceeding \$10,000.

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 the 28th day after the date of their notification in the *Gazette*, give effect to Conservation Measure 170/XVIII adopted by the Commission for the Conservation of Antarctic Marine Living Resources, in accordance with Article IX of the Convention on the Conservation of Antarctic Marine Living Resources.

*Regulation 3* relates to the application of the regulations. The most important aspect of this is that the regulations apply regardless of whether toothfish are taken from or outside New Zealand fisheries waters.

*Regulation 4* defines certain terms used in the regulations.

*Regulation 5* states that the purpose of the regulations is to give effect to Conservation Measure 170/XVIII adopted by the Commission.

*Regulation 6* sets out the duty of the master of a registered New Zealand ship when landing toothfish in New Zealand or transshipping toothfish to another vessel. The master must complete a New Zealand catch document and do so in accordance with the Ministry of Foreign Affairs and Trade's instructions. This regulation applies to toothfish taken by the ship.

*Regulation 7* sets out the duty of the master of a registered New Zealand ship when receiving a transshipment of toothfish and when subsequently landing or transshipping that fish. When receiving a transshipment, the master must ensure the transshipment is accompanied by an appropriately completed New Zealand catch document or an appropriately completed catch document issued by a Party to the Convention other than New Zealand. When subsequently landing or transshipping the fish, the master must ensure the fish is accompanied by the completed catch document he or she received with the fish.

*Regulation 8* sets out the duty of the master of a vessel not registered under the Ship Registration Act 1992 when landing toothfish in New Zealand. The master must complete the appropriate parts of a catch document issued by a Party other than New Zealand.

*Regulation 9* creates offences for the contravention of any of *regulations 6, 7, and 8*. The penalty is a fine not exceeding \$10,000.

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Date of notification in *Gazette*: 13 April 2000.

These regulations are administered in the Ministry of Fisheries.

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