

**Reprint
as at 1 October 2017**

**Fisheries (Satellite Vessel Monitoring) Amendment
Regulations 2001
(SR 2001/260)**

Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001: revoked, on 1 October 2017, pursuant to regulation 12 of the Fisheries (Geospatial Position Reporting) Regulations 2017 (LI 2017/155).

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

- (1) These regulations are the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001.
- (2) In these regulations, the Fisheries (Satellite Vessel Monitoring) Regulations 1993¹ are called “the principal regulations”.

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.

These regulations are administered by the Ministry for Primary Industries.

2 Commencement

These regulations come into force on 1 October 2001.

3 New regulation 2 substituted

The principal regulations are amended by revoking regulation 2, and substituting the following regulation:

2 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1996

automatic location communicator means a device that complies with the appropriate standards and requirements specified by the chief executive under regulation 4

Fisheries Communication Centre means the Communication Centre of the Ministry of Fisheries located in Wellington

foreign licensed fishing vessel means a foreign fishing vessel licensed under section 83 of the Act

New Zealand fishing vessel means any fishing vessel registered under section 103 of the Act

type approval means an approval given by the chief executive under regulation 5.

4 Vessels required to carry and operate automatic location communicators

(1) Regulation 3 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- (1) An automatic location communicator must be carried and operated on board—
- (a) foreign licensed fishing vessels; and
 - (b) foreign-owned New Zealand fishing vessels; and
 - (c) registered fish carriers; and
 - (d) New Zealand fishing vessels exceeding 28 metres in overall length; and
 - (e) New Zealand fishing vessels of 28 metres or less in length that are used at any time during a fishing year in fishing for orange roughy or scampi; and
 - (f) New Zealand fishing vessels of any class specified by the chief executive by notice in the *Gazette* given for the purposes of this regulation after consultation with an organisation considered by the chief executive

¹ SR 1993/354

to be representative of the classes of persons having an interest in New Zealand fishing vessels or foreign chartered fishing vessels; and

- (g) individual New Zealand fishing vessels specified by the chief executive by notice in writing to the person who registered the vessel under section 103 of the Act.

- (2) Regulation 3 of the principal regulations is amended—
 - (a) by omitting from subclause (2) the words “section 57 of the Act or licensed under section 15 of the Territorial Sea and Exclusive Economic Zone Act 1977”, and substituting the words “section 103 of the Act or licensed under section 83 of the Act”;
 - (b) by omitting from subclause (3) the word “Director-General”, and substituting the words “chief executive”.

5 References to chief executive substituted for references to Director-General

Regulations 4, 5, 6, and 10 of the principal regulations are amended by omitting the word “Director-General” wherever it appears, and substituting in each case the words “chief executive”.

6 Responsibilities of fishing permit holder and master

- (1) The heading of regulation 7 of the principal regulations is amended by omitting the words “**fishing permit holder**”, and substituting the words “**vessel operator**”.
- (2) Regulation 7 of the principal regulations is amended by omitting the words “Where the holder of a fishing permit issued under section 63 or section 64 of the Act is operating a fishing vessel that is required by these regulations to carry and operate an automatic location communicator, the holder of the permit and the master of the vessel shall”, and substituting the words “The operator and the master of any vessel required by these regulations to carry and operate an automatic location communicator must”.
- (3) Regulation 7 of the principal regulations is amended by omitting the word “Director-General” wherever it appears, and substituting in each case the words “chief executive”.

7 Offences and penalties

- (1) Regulation 8 of the principal regulations is amended by omitting the word “Director-General” wherever it appears, and substituting in each case the words “chief executive”.
- (2) Regulation 8(2) of the principal regulations is amended—
 - (a) by omitting the expression “\$10,000”, and substituting the expression “\$100,000”:

- (b) by omitting the expression “\$500”, and substituting the expression “\$1,000”.

Martin Bell,
Acting for 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, which come into force on 1 October 2001, amend the Fisheries (Satellite Vessel Monitoring) Regulations 1993. The main features of the regulations are as follows:

- the definitions in regulation 2 of the principal regulations are updated
- references to the chief executive under the Fisheries Act 1996 are substituted for references in the principal regulations to the Director-General under the Fisheries Act 1983:
- regulation 3 of the principal regulations, which imposes the requirement to carry and operate an automatic location communicator, is updated to make it consistent with the Fisheries Act 1996 and to include 2 classes of vessels covered by way of a *Gazette* notice issued in 1994 under the regulations. The gazetted classes are New Zealand fishing vessels exceeding 28 metres in overall length and New Zealand fishing vessels of 28 metres or less in length that are used at any time during a fishing year in fishing for orange roughy or scampi:
- the responsibilities formerly placed on fishing permit holders by regulation 7 of the principal regulations are transferred to fishing vessel operators because the holding of a permit is not a prerequisite to registration of a vessel under the Fisheries Act 1996:
- the maximum penalties available under regulation 8 of the principal regulations are increased from \$10,000 to \$100,000 for each offence and from \$500 to \$1,000 a day for each continuing offence.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 September 2001.

Eprint notes

1 *General*

This is an eprint of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Fisheries (Geospatial Position Reporting) Regulations 2017 (LI 2017/155): regulation 12