

Fisheries (Reporting) Amendment Regulations 2002

Pursuant to section 297(1)(h) 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 (Reporting) Amendment Regulations 2002.
- (2) In these regulations, the Fisheries (Reporting) Regulations 2001¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on 11 July 2002.

¹ SR 2001/188

3 Catch landing returns

Regulation 6 of the principal regulations is amended by revoking subclause (3), and substituting the following subclauses:

- “(3) Subject to a direction of the chief executive under regulation 40, catch landing returns for a fishing trip must be provided to the chief executive not later than—
- “(a) 15 days after the last day of the fishing trip for permit holders who take fish, or on whose behalf fish are taken, from a vessel for which a return under subclause (1)(a) or (b) must be provided:
 - “(b) 15 days after the last day of the calendar month in which the fishing trip ended for permit holders who take fish, or on whose behalf fish are taken, from a vessel for which a return under subclause (1)(c) must be provided.
- “(3A) A person contravenes this subclause if the person provides a catch landing return after the date it was due, but not more than 1 calendar month after the date it was due.
- “(3B) A person contravenes this subclause if the person provides or fails to provide a catch landing return more than 1 calendar month after the date it was due.”

4 Monthly harvest returns

- (1) Regulation 7(2)(a)(i) of the principal regulations is amended by inserting, after the words “fish is”, the expression “F”.
- (2) Regulation 7 of the principal regulations is amended by revoking subclause (3), and substituting the following subclauses:

“(3) If the exception in subclause 2(a)(i) or (ii) ceases to apply, a person who subsequently lands that fish must—

 - “(a) include that fish in the monthly harvest return for the calendar month in which the exception ceased to apply; and
 - “(b) comply with subclause (2)(b).
- “(3A) For the purposes of subclause (3), in the case of fish that are required to be recorded against destination type code T, the fish must be recorded by the person who took the fish in the monthly harvest return for the calendar month in which the fish were subsequently landed.”

(3) Regulation 7 of the principal regulations is amended by adding the following subclause:

“(7) This regulation does not require a person to report on a monthly harvest return any fish, aquatic life, or seaweed taken or retained by an observer under Part XII of the Act.”

5 Trawl catch, effort, and processing returns

(1) Regulation 11(2)(b) of the principal regulations is amended by omitting the expression “7”, and substituting the expression “15”.

(2) Regulation 11 of the principal regulations is amended by adding the following subclauses:

“(3) A person contravenes this subclause if the person provides a trawl catch, effort, and processing return after the date it was due, but not more than 1 calendar month after the date it was due.

“(4) A person contravenes this subclause if the person provides or fails to provide a trawl catch, effort, and processing return more than 1 calendar month after the date it was due.”

6 Squid jigging catch effort returns

(1) Regulation 12(2)(b) of the principal regulations is amended by omitting the expression “7”, and substituting the expression “15”.

(2) Regulation 12 of the principal regulations is amended by adding the following subclauses:

“(3) A person contravenes this subclause if the person provides a squid jigging catch effort return after the date it was due, but not more than 1 calendar month after the date it was due.

“(4) A person contravenes this subclause if the person provides or fails to provide a squid jigging catch effort return more than 1 calendar month after the date it was due.”

7 Tuna longlining catch effort returns

(1) Regulation 13(2) of the principal regulations is amended by revoking paragraph (b), and substituting the following paragraph:

“

- “(b) provide the return for a fishing trip that ends on any day in a calendar month to the chief executive not later than 15 days after the last day of that calendar month.”
- (2) Regulation 13 of the principal regulations is amended by adding the following subclauses:
- “(3) A person contravenes this subclause if the person provides a tuna longlining catch effort return after the date it was due, but not more than 1 calendar month after the date it was due.
- “(4) A person contravenes this subclause if the person provides or fails to provide a tuna longlining catch effort return more than 1 calendar month after the date it was due.”

8 Licensed fish receiver must be audited and provide annual audit reports

Regulation 20 of the principal regulations is amended by adding the following subclauses:

- “(4) A person contravenes this subclause if the person carries out the first audit of a newly licensed fish receiver after the time frame specified in subclause (3), but not more than 1 calendar month after that time frame.
- “(5) A person contravenes this subclause if the person carries out or fails to carry out the first audit of a newly licensed fish receiver more than 1 month after the time frame specified in subclause (3).”

9 Offences

Regulation 42 of the principal regulations is amended by revoking paragraphs (b) and (c), and substituting the following paragraphs:

- “(b) contravenes or fails to comply with the requirements of any of regulations 5(3), (4A), or (5), 6(3A) or (4), 7(2A), (4), or (6), 8(2) or (4), 9(2), (3A), (4), or (5), 10(2), (3A), or (4), 11(3), 12(3), 13(3), 16(2A) or (3), 18, 19, or 20(1A) or (4):
- “(c) contravenes or fails to comply with the requirements of any of regulations 5(4B), 6(2) or (3B), 7(2B), 8(5), 9(3B), 10(3B), 11(2) or (4), 12(2) or (4), 13(2) or (4), 16(2B), 20(1B) or (5), 21 to 26, or 40.”

10 Part 5 of Schedule 3 amended

- (1) Part 5 of Schedule 3 of the principal regulations is amended by omitting the heading to the first column, and substituting the heading “Container”.
- (2) Part 5 of Schedule 3 of the principal regulations is amended by omitting the heading to the second column, and substituting the heading “Container type code”.
- (3) Part 5 of Schedule 3 of the principal regulations is amended by adding the following item:

Individual fish landed under an FIS
approval under section 111 of the Act

11 Part 6 of Schedule 3 amended

Part 6 of Schedule 3 of the principal regulations is amended by inserting, after the item relating to destination type code O, the following item:

Fish landed under an approval under F
section 111 of The Act

Marie Shroff,
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 11 July 2002, amend the Fisheries (Reporting) Regulations 2001 by—

- modifying the time frame and recasting the offence relating to the provision of catch landing returns under regulation 6:
- prescribing offences relating to the provision of trawl catch, effort, and processing returns, squid jigging catch effort returns, and tuna longlining catch effort returns under regulations 11 to 13:

- inserting a new code F into the exception under regulation 7(2)(a)(i) that relates to recording fish on a monthly harvest return:
- clarifying when the exception to recording certain fish on a monthly harvest return ceases to apply and the procedure that must be followed:
- prescribing an offence for a failure to carry out the first audit of a newly licensed fish receiver in accordance with the time frame specified in regulation 20(3):
- making technical amendments to the heading of Part 5 of Schedule 3 (which relates to container type codes):
- inserting a new destination type code F into Part 6 of Schedule 3 (which relates to destination type codes).

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