

**Reprint
as at 22 April 2004**



**Fisheries (Western and Central
Pacific Ocean Highly Migratory
Fish Stocks) Regulations 2003**

(SR 2003/347)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 1st day of December 2003

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 297(1)(o) 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.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Fisheries.

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Regulations

- 1 Title**
These regulations are the Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Regulations 2003.
- 2 Commencement**
These regulations come into force on 1 January 2004.
- 3 Application**
These regulations apply—
- (a) in respect of New Zealand flagged vessels fishing for highly migratory fish stocks managed under the Convention in the Convention area outside New Zealand fisheries waters; and
 - (b) only if—
 - (i) the Minister has notified in the *Gazette* the date on which the Convention comes into force with respect to New Zealand; and
 - (ii) the Convention is in force with respect to New Zealand.
- Regulation 3(a): amended, on 22 April 2004, by clause 3 of the Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Amendment Regulations 2004 (2004/73).
- 4 Interpretation**
In these regulations, unless the context otherwise requires,—

1982 Convention means the United Nations Convention on the Law of the Sea of 10 December 1982

Act means the Fisheries Act 1996

Commission means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established under the Convention

Convention means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean that was open for signature at Honolulu on 5 September 2000

Convention area means all waters of the Pacific Ocean bounded to the south and to the east by the following line: From the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude

highly migratory fish stocks means—

- (a) all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention area; and
- (b) any other species of fish that the Commission may determine

party means a contracting party to the Convention

Register means the New Zealand Western Central Pacific Fisheries Convention Vessel Register

registered vessel means a New Zealand flagged vessel registered on the Register

trip means the movement of a registered vessel from a port and its return to that port or arrival at another port, whether

the port is in New Zealand or elsewhere, for the purpose of taking fish, aquatic life, or seaweed under any authorisation for fishing highly migratory fish stocks in areas in the Convention area that are under the national jurisdiction of another State.

5 Purpose

The purpose of these regulations is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Convention area in accordance with the Convention.

6 Register

- (1) The chief executive must keep a register called the New Zealand Western Central Pacific Fisheries Convention Vessel Register.
- (2) The Register must contain the following particulars for each registered vessel:
 - (a) the name, registration number, previous names (if known), and port of registry of the vessel; and
 - (b) the name and address of the owner or owners of the vessel; and
 - (c) the name and nationality of the master of the vessel; and
 - (d) the previous flag of the vessel (if any); and
 - (e) the International Radio Call Sign of the vessel; and
 - (f) the vessel's communication types and numbers, including (but not limited to) its INMARSAT A, B, and C numbers and its satellite telephone number; and
 - (g) a colour photo of the vessel; and
 - (h) the location where and the date when the vessel was built; and
 - (i) the type of vessel; and
 - (j) the normal crew complement of the vessel; and
 - (k) the type of fishing method or methods used on the vessel; and
 - (l) the length of the vessel; and
 - (m) the moulded depth of the vessel; and
 - (n) the beam of the vessel; and
 - (o) the gross register tonnage of the vessel; and

- (p) the power of the main engine or engines of the vessel; and
 - (q) the carrying capacity of the vessel, including (but not limited to) its fish hold capacity and the type, capacity, and number of its freezers; and
 - (r) the permit number of the New Zealand High Seas Fishing Permit issued for the vessel (if any); and
 - (s) the areas under the national jurisdiction of other States within the Convention area for which the vessel has been authorised to fish, including a copy of each authorisation.
- (3) The particulars specified in subclause (2) may be kept in a form that can be stored or accessed by a computer.
- (4) The particulars specified in subclause (2) must be provided to the Ministry of Fisheries on a form approved by the chief executive.
- (5) Despite subclause (4), the chief executive may waive the requirement to provide any or all of the particulars specified in subclause (2) if those particulars have already been provided to the Ministry of Fisheries under the Act or any other regulations made under the Act.

7 Authorisation to fish for highly migratory fish stocks in Convention area

- (1) No vessel may fish for highly migratory fish stocks in the Convention area unless it is—
- (a) a registered vessel; and
 - (b) authorised to fish for highly migratory fish stocks in the Convention area under—
 - (i) a New Zealand High Seas Fishing Permit; or
 - (ii) an authorisation from the relevant State for fishing in areas under the national jurisdiction of that State in the Convention area.
- (2) If subclause (1)(b)(ii) applies, the master or operator of a vessel must provide a copy of the authorisation to the Ministry of Fisheries for the purpose of recording the authorisation on the register.

8 Catch, effort, and landing returns

- (1) The master or operator of a registered vessel must complete and present catch, effort, and landing returns, in the form approved by the chief executive, to the Ministry of Fisheries no later than 7 days after the last day of the registered vessel's trip.
- (2) The chief executive may, on application by the master or operator of the registered vessel, grant an exemption to the reporting requirement under subclause (1) if—
 - (a) the master or operator of the registered vessel is reporting the information required in the report to the State in whose national jurisdiction the fishing occurs; and
 - (b) that State is a member of the Commission.

9 Offences and penalties

- (1) The master or operator of a registered vessel commits an offence if the master or operator contravenes regulation 7(1)(a) or regulation 7(2) or regulation 8.
- (2) An operator who commits an offence against this regulation is liable on summary conviction to a fine not exceeding \$100,000.

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 4 December 2003.

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Notes

1 *General*

This is a reprint of the Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Regulations 2003. The reprint incorporates all the amendments to the regulations as at 22 April 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks)
Amendment Regulations 2004 (SR 2004/73)
