

# **Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill implements the Government's decisions on the regulation of foreign charter vessels (FCVs) following allegations of mistreatment and underpayment of foreign crews working on FCVs and the recommendations of a ministerial inquiry.

The Government has made a number of decisions to ensure improved management of vessel safety, employment, and fisheries management matters on FCVs operating in New Zealand waters. These changes are necessary to protect the human rights of crews and ensure that New Zealand's reputation as a responsible and sustainable fishing nation is maintained.

The Bill will strengthen the chief executive's powers to consider a wider range of matters when consenting to FCV registration applications. These matters are extended from only fisheries management matters to include employment and vessel safety conditions. The Bill also extends the functions of observers to collecting information on these wider matters and provides for the new functions to be cost recovered from or direct charged to operators through the making of regulations.

The Bill introduces new vessel registration suspension powers and expanded cancellation powers to expand the Government's range of tools to manage the risk of all vessels.

The Bill requires that all vessels are flagged as New Zealand ships from 1 May 2016. The new management regime will create a level playing field for the management of vessels. From May 2016, the vessel registration regime in the Fisheries Act 1996 will be amended to reflect the new regime. Consent will be required for all vessels, not only foreign-owned vessels. All vessels will operate under full New Zealand jurisdiction, thereby strengthening the Government's ability to enforce New Zealand laws.

### **Regulatory impact statement**

The Ministry for Primary Industries produced a regulatory impact statement on 17 May 2012 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.mpi.govt.nz/news-resources/publications.aspx>
- <http://www.treasury.govt.nz/publications/information-releases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* relates to commencement. Clauses 9 to 18 will come into force on 1 May 2016 and the rest of the Act comes into force on the day after the date on which the Act receives the Royal assent.

*Clause 3* provides that the Bill amends the Fisheries Act 1996 (the **principal Act**).

## **Part 1**

### **Registration of fishing vessels**

*Amendments taking effect on day after date on  
which Act receives Royal assent*

*Clause 4* amends section 103 of the principal Act, which provides for the registration of fishing vessels.

*Subclause (1)* replaces section 103(1)(c) with a provision that requires compliance with all conditions of registration (including condition's of the chief executive's consent to registration).

*Subclause (2)* amends section 103(4) to provide that conditions of registration of a vessel may include conditions relating to fisheries management, employment, or vessel safety.

*Subclause (3)* inserts *new subsection (4A)*, which provides for the amendment and revocation of conditions of consent to the registration of a vessel (which is required if the vessel is owned or operated by an overseas person).

*Subclause (4)* inserts into section 103(6) a provision that requires that, in considering whether to consent to the registration of a vessel owned or operated by an overseas person, the chief executive have regard to any risk associated with fisheries management, employment, or vessel safety that he or she considers would be likely to result if the vessel were to be registered.

*Subclause (5)* inserts *new subsection (6AA)* which provides that all conditions of the chief executive's consent to the registration of a vessel become conditions of registration.

*Clause 5* inserts *new section 106A* into the principal Act. *Section 106A* enables the chief executive to suspend a vessel's registration if he or she is satisfied that—

- its registration for the time being poses a risk of a breach of fisheries management, employment, or vessel safety laws justifying that action; or
- there has been a breach of any condition of its registration.

The steps provided for under *new section 106A* are—

- the chief executive must give the operator a preliminary notice that suspension is being considered and give the operator of a vessel at least 48 hours to undertake or cease the relevant action;
- if the chief executive decides to proceed with suspension, he or she must give the operator notice of intention to proceed with suspension;
- the chief executive must give the operator notice of actual suspension as well.

*Clause 6* amends section 107 of the principal Act, which relates to the cancellation of a vessel's registration. The clause replaces sub-

sections (6) and (7) of section 107 (which provide for cancellation if a vessel is forfeit to the Crown or if there is a breach of the Minimum Wage Act 1983 or certain other statutory provisions). As proposed in the amendments made by this clause, the new provisions will provide for cancellation of a vessel's registration if—

- the operator has not complied with any conditions and requirements of the suspension of the vessel's registration; or
- the vessel's owner, operator, foreign charter party, or notified user is convicted in New Zealand or another country of an offence relating to fishing or transportation in the fisheries jurisdiction of New Zealand or that other country; or
- the vessel is forfeit to the Crown.

Once notice of intention to cancel a vessel's registration on the first ground above has been received by the operator, the vessel must not be used to take fish, aquatic life, or seaweed for sale.

*Clause 7* amends section 252 of the principal Act by listing an offence against *new section 106A(9)* (using vessel while registration suspended) and an offence against *new section 107(10)* (using vessel after operator notified of intention to cancel registration) as offences for which a person convicted is liable to a fine not exceeding \$100,000.

*Clause 8* makes a consequential amendment to the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2006.

#### *Amendments taking effect on 1 May 2016*

*Clause 9* repeals the definition of foreign-owned New Zealand fishing vessel in section 2 of the principal Act. The term will become redundant because once vessels owned or operated by overseas persons are required to be registered as New Zealand ships, there will be no need to distinguish such vessels from other fishing vessels.

*Clause 10* replaces section 103 of the principal Act with *new sections 103 and 103A*. The new features of these sections are that—

- every vessel must be a New Zealand ship; and
- the chief executive's prior consent is needed for the registration of every vessel (not just vessels owned or operated by overseas persons).

Section 103(4) currently provides that no vessel owned or operated by an overseas person (other than an overseas person who has obtained consent under the overseas investment fishing provisions or is exempt from the requirement for that consent) is to be registered as a fishing vessel unless the chief executive has consented to the vessel's registration. The chief executive's consent is not currently needed for the registration of other vessels.

*New section 103* carries over the current section 103, as amended by *clause 4*, and adds the requirement that a vessel be registered as a New Zealand ship.

*New section 103A* relates to the process for the granting of the chief executive's consent.

*Clause 11* repeals a provision in section 104 of the principal Act, which will become redundant as a result of this Bill.

*Clause 12* amends section 107 of the principal Act to require the chief executive to cancel a vessel's registration if satisfied that the vessel is no longer registered under the Ship Registration Act 1992 as a New Zealand ship.

*Clause 13* makes a consequential amendment to section 237 of the principal Act.

*Clause 14* makes consequential amendments to section 256 of the principal Act.

*Clause 15* makes consequential amendments to the Fisheries (Commercial Fishing) Regulations 2001.

*Clause 16* makes consequential amendments to the Fisheries (Registers) Regulations 2001.

*Clause 17* makes consequential amendments to the Fisheries (Satellite Vessel Monitoring) Regulations 1993.

*Clause 18* relates to fishing vessels that are registered immediately before this clause takes effect. If the fishing vessel is a New Zealand ship, the vessel is deemed to have the chief executive's consent under *new section 103A*. On the other hand, if the vessel is not a New Zealand ship, the vessel is deemed to be unregistered.

## Part 2

### Observers and other matters

#### *Amendments taking effect on day after date on which Act receives Royal assent*

*Clause 19* amends the definition of fisheries services in section 2 of the principal Act by including a reference to observers performing or exercising a function, duty, or power in accordance with the observer programme.

*Clause 20* amends section 223 of the principal Act by adding as a purpose of the observer programme the collection of reliable and accurate information about vessel safety and employment on fishing vessels.

*Clause 21* amends section 225 of the principal Act to enable observers—

- to have access to any safety equipment and to any document concerning the manufacture or operation of the equipment:
- to have access to persons engaged or employed to do work on a vessel so that observers may discuss matters concerning the engagement or employment of those persons on the vessel.

*Clause 22* inserts *new section 227A* into the principal Act to enable the chief executive to require the installation and maintenance of vessel monitoring equipment in accordance with regulations made under the principal Act.

*Clause 23* amends section 262 of the principal Act to provide that costs of fisheries services relating to any observer performing or exercising a function, duty, or power in accordance with the observer programme must, so far as practicable, be attributed to the persons who benefit from those services.

*Clause 24* amends the regulation-making powers in section 297 of the principal Act to enable a more flexible approach to the setting of fees or charges for services performed by observers. The regulations will be able to authorise the chief executive to determine the amount payable in individual cases within the minimum and maximum amounts or rates prescribed in the regulations.

*Clause 24* also amends section 297 of the principal Act to provide for regulations for the purpose of *new section 227A* (see *clause 22*).

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*Hon David Carter*

# **Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Act **2012**.
- 2 Commencement** 5  
(1) **Sections 9 to 18** come into force on **1 May 2016**.

- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the Fisheries Act 1996 (the **principal Act**).

**Part 1**

5

**Registration of fishing vessels**

*Amendments taking effect on day after date on  
which Act receives Royal assent*

**4 Section 103 amended (Fishing vessels must be registered)**

- (1) Replace section 103(1)(c) with: 10

“(c) that person complies with all conditions of registration.”

- (2) In section 103(4), after “to impose”, insert “(and such conditions may include, but are not limited to, conditions that relate to fisheries management, employment, or vessel safety)”.

- (3) After section 103(4), insert: 15

“(4A) The chief executive may, from time to time, by written notice to the operator of a vessel with effect from the date specified in the notice amend, add to, or revoke any conditions of the consent to the registration of the vessel.”

- (4) After section 103(6)(b), insert: 20

“(ba) any risk associated with fisheries management, employment, or vessel safety that the chief executive considers would be likely to result if the vessel were to be registered; and”.

- (5) After section 103(6), insert: 25

“(6AA) All conditions of the chief executive’s consent to the registration of a vessel in the Fishing Vessel Register are deemed for all purposes to be conditions of the registration of the vessel.”

**5 New section 106A inserted (Suspension of registration)** 30

After section 106, insert:

**“106A Suspension of registration**

- “(1) The chief executive may, after complying with **subsections (4) and (5)**, suspend a vessel’s registration for any reason-

- able period determined by him or her if satisfied on reasonable grounds that—
- “(a) its registration for the time being poses a risk of a breach of fisheries management, employment, or vessel safety laws justifying that action; or 5
  - “(b) there has been a breach of any condition of its registration.
- “(2) If any person, department, or agency in the course of performing or exercising functions, duties, or powers under any Act obtains any information that is relevant for the purposes of **subsection (1)**, the person, department, or agency may provide the information to the chief executive. 10
- “(3) For the purposes of **subsection (1)**, the chief executive may take into account information provided by any person, department, or agency. 15
- “(4) The chief executive must notify the operator of the vessel in writing stating—
- “(a) that he or she considers that the matters in **subsection (1)(a) or (b)** have occurred or are likely to occur; and
  - “(b) the grounds on which the chief executive has based his or her belief; and 20
  - “(c) the actions the chief executive requires the operator to undertake or cease; and
  - “(d) the period within which the actions must be undertaken or cease (which must not be less than 48 hours from the date on which the operator is notified). 25
- “(5) If the actions specified in the notice given under **subsection (4)** have not been undertaken or have not ceased (as the case may be) within the period required by the notice, the chief executive must do the following if he or she decides to proceed with suspension of the vessel’s registration: 30
- “(a) give the operator not less than 7 days’ notice in writing of the intention to suspend registration; and
  - “(b) give the operator a reasonable opportunity to make submissions to the chief executive; and 35
  - “(c) consider any submissions made to the chief executive by the operator.

- “(6) The chief executive may impose conditions and requirements in respect of the implementation and operation of a suspension under this section.
- “(7) If the chief executive suspends a vessel’s registration,—
- “(a) he or she must notify the operator in writing that the vessel’s registration has been suspended; and 5
- “(b) the notification must state—
- “(i) the grounds relied on to suspend the vessel’s registration; and
- “(ii) the period of the suspension; and 10
- “(iii) the conditions and requirements imposed under **subsection (6)** (if any).
- “(8) A period of suspension may be extended by the chief executive from time to time on the same or any other ground specified in **subsection (1)**, and **subsection (7)** (with the necessary modifications) applies to any extension of the suspension. 15
- “(9) A person commits an offence and is liable to the penalty set out in section 252(5) if the person uses a fishing vessel, or any tender of that fishing vessel, to take fish, aquatic life, or seaweed for sale while the registration of the vessel is suspended. 20
- “(10) Nothing in this section requires the chief executive to remit or refund any fees, charges, or levies paid or payable by the operator under this Act for the period from the date of registration to the close of the period of suspension.
- “(11) For the purposes of section 103(1), a vessel must be treated as being not registered while its registration is suspended under this section.” 25

**6 Section 107 amended (Cancellation of registration of fishing vessel)**

- (1) Replace section 107(6) and (7) with: 30
- “(6) The chief executive—
- “(a) may cancel a vessel’s registration if a notification of suspension has been given in respect of the vessel under **section 106A(7)** and he or she is satisfied that the operator has not complied with any conditions and requirements imposed under **section 106A(6)**: 35

- “(b) may cancel a vessel’s registration if the vessel’s owner, operator, foreign charter party, or notified user is convicted in New Zealand or another country of an offence relating to fishing or transportation in the fisheries jurisdiction of New Zealand or that other country: 5
- “(c) must, as soon as practicable, ensure that the registration of a vessel is cancelled if satisfied that the vessel is forfeit to the Crown.
- “(7) Before cancelling a vessel’s registration under **subsection (6)(a) or (b)**, the chief executive must— 10
  - “(a) give the operator of the vessel not less than 7 days’ notice in writing of the intention to cancel registration; and
  - “(b) state the grounds relied on to cancel the vessel’s registration. 15
- “(7A) If the operator of a vessel receives a notice given under **subsection (7)** on the ground specified in **subsection (6)(a)** (notice of intention to cancel the vessel’s registration for non-compliance with any conditions and requirements), the vessel must not be used to take fish, aquatic life, or seaweed for sale. 20
- “(7B) The chief executive must notify in writing the operator of the vessel that the vessel’s registration has been cancelled and must state the grounds relied on to cancel the vessel’s registration.
- “(7C) Nothing in this section requires the chief executive to remit or refund any fees, charges, or levies paid or payable by the operator under this Act for the period from the date of registration to the date of cancellation.” 25
- (2) After section 107(9), insert:
- “(10) A person who uses a vessel in contravention of **subsection (7A)** commits an offence and is liable to the penalty set out in section 252(5). 30
- “(11) If registration is cancelled under this section, the operator must ensure that the certificate of registration and any duplicates are surrendered to the chief executive.” 35

**7 Section 252 amended (Penalties)**  
After section 252(5)(g), insert:

“(ga) **section 106A(9)** (using vessel while registration suspended):

“(gb) **section 107(10)** (using vessel after operator notified of intention to cancel registration):”.

**8 Amendment to Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2006** 5

(1) This section amends the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2006. 10

(2) In Schedule 1, Part 1, replace “107” with “107(3) to (5), **(6)(c)**, and (8)”.

*Amendments taking effect on 1 May 2016*

**9 Section 2 amended (Interpretation)**

In section 2(1), repeal the definition of **foreign-owned New Zealand fishing vessel**. 15

**10 Section 103 replaced (Fishing vessels must be registered)**

Replace section 103 with:

**“103 Fishing vessels must be registered**

“(1) A person must not use a fishing vessel, or any tender of that fishing vessel, to take fish, aquatic life, or seaweed for sale, in New Zealand fisheries waters, unless— 20

“(a) the vessel is a New Zealand ship; and

“(b) the vessel is registered under this section in the Fishing Vessel Register as a fishing vessel; and 25

“(c) that person complies with all conditions of registration.

“(2) An application to register a fishing vessel must—

“(a) be made by the operator of that fishing vessel; and

“(b) be made to the chief executive in the approved form and be accompanied by the prescribed fee (if any); and 30

“(c) be supported by evidence of the vessel’s registration as a New Zealand ship and any other evidence that may be specified in the approved form.

- “(3) The consent of the chief executive, given in accordance with **section 103A**, is required before a vessel may be registered as a fishing vessel.
- “(4) If the chief executive, having received an application made in accordance with this section, is satisfied that the vessel is registered as a New Zealand ship and is otherwise eligible to be registered under this section, he or she must, as soon as practicable,—
- “(a) register the fishing vessel for a specified period not exceeding 5 years; and
  - “(b) issue to the operator a certificate of registration in respect of that vessel.
- “(5) All conditions of the chief executive’s consent to the registration of a vessel in the Fishing Vessel Register are deemed for all purposes to be conditions of the registration of the vessel.
- “(6) This section does not require that a vessel be registered as a fishing vessel merely because it is used to take fish, aquatic life, or seaweed produced as part of a lawful fish farming operation.
- “(7) A person commits an offence and is liable to the penalty set out in section 252(5) if the person contravenes **subsection (1)**.
- “**103A Process for granting consent to registration and power to change conditions**
- “(1) For the purposes of **section 103(3)**, the chief executive may—
- “(a) grant consent, either generally or particularly, to the registration of the vessel or vessels operated by any person; and
  - “(b) grant consent under this section subject to any conditions that the chief executive thinks fit to impose (and such conditions may include, but are not limited to, conditions that relate to fisheries management, employment, or vessel safety).
- “(2) The chief executive must take into account the following matters before deciding whether or not to grant consent under this section:

- “(a) any risk associated with fisheries management, employment, or vessel safety that the chief executive considers would be likely to result if the vessel were to be registered; and
- “(b) the previous offending history (if any), in relation to fishing or transportation (whether within the national fisheries jurisdiction of New Zealand or another country, or on the high seas), of the vessel’s owner, operator, foreign charter party, notified user, master, or crew; and 5
- “(c) any other matters that the chief executive considers relevant. 10
- “(3) The chief executive may, from time to time, by written notice to the operator of a vessel with effect from the date specified in the notice amend, add to, or revoke any conditions of the consent to the registration of the vessel.” 15
- 11 Section 104 amended (Provisions relating to notified users of fishing vessels)**  
Repeal section 104(3).
- 12 Section 107 amended (Cancellation of registration of fishing vessel)** 20
- (1) After **section 107(6)(c)**, insert:
- “(d) must, as soon as practicable, ensure that the registration of a vessel is cancelled if satisfied that the vessel is no longer a New Zealand ship.”
- (2) In section 107(8), omit “section 103 or”. 25
- 13 Section 237 amended (Summons may be served on agent of foreign vessel)**  
Replace section 237(1) with:
- “(1) Any summons in respect of an offence against this Act that relates to any foreign fishing vessel or foreign-operated fish carrier is deemed to have been served on the defendant in accordance with section 24 of the Summary Proceedings Act 1957 if the summons is served, in any one of the ways specified in subsection (1) of that section, on the authorised agent of the operator of the vessel.” 30  
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**14 Section 256 amended (Provisions relating to forfeit property)**

- (1) In section 256(1), definition of **interest**, paragraph (b), delete “, a foreign-owned New Zealand fishing vessel,”.
- (2) In section 256(1), definition of **interest**, paragraph (c), delete “, a foreign-owned New Zealand fishing vessel,”. 5

**15 Amendments to Fisheries (Commercial Fishing) Regulations 2001**

- (1) This section amends the Fisheries (Commercial Fishing) Regulations 2001. 10
- (2) In regulation 3, definition of **commercial fisher**, paragraph (a), delete “or a foreign-owned New Zealand fishing vessel”.
- (3) In regulation 3, definition of **New Zealand fishing vessel**, delete “; but does not include foreign-owned New Zealand fishing vessels registered with consent under section 103(4) of the Act”. 15
- (4) In the Part 1 heading, delete “**and foreign-owned New Zealand fishing vessels**”.
- (5) In regulation 5(1), delete “and to foreign-owned New Zealand fishing vessels”. 20
- (6) In regulation 10(1), delete “foreign-owned New Zealand fishing vessels or to”.
- (7) In regulation 11(1), delete “a foreign-owned New Zealand fishing vessel,”.
- (8) In regulation 14(1), delete “or foreign-owned New Zealand fishing vessel”. 25
- (9) In the Part 2 heading, delete “**foreign-owned New Zealand fishing vessels and**”.
- (10) Replace regulation 17(1) with:
- “(1) Unless otherwise specified, this regulation and regulations 18 to 23 apply to fish carriers registered under section 105 of the Act.” 30
- (11) In regulation 18(2), replace “foreign-owned New Zealand fishing vessel, a fish carrier,” with “fish carrier”.
- (12) Revoke regulations 19(10), 24, 27(1AA) and (1), and 29. 35

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- (13) In regulations 64, 72, and 76(c), delete “or foreign-owned New Zealand fishing vessels”.
- (14) In regulation 84(3), delete “24(2)”.
- 16 Amendments to Fisheries (Registers) Regulations 2001**
- (1) This section amends the Fisheries (Registers) Regulations 2001. 5
- (2) In regulation 7(g), delete “a foreign-owned New Zealand fishing vessel”.
- (3) In regulation 7(h), delete “foreign-owned New Zealand fishing vessel”. 10
- 17 Amendments to Fisheries (Satellite Vessel Monitoring) Regulations 1993**
- (1) This section amends the Fisheries (Satellite Vessel Monitoring) Regulations 1993.
- (2) Revoke regulation 3(1)(b). 15
- (3) In regulation 3(1)(f), delete “or foreign chartered fishing vessels”.
- (4) In regulation 4(1), delete “or foreign chartered fishing vessels”.
- 18 Saving and transitional provisions** 20
- (1) This section applies to every fishing vessel registered under the principal Act immediately before the commencement of this section.
- (2) On the commencement of this section, every vessel to which this section applies that is a New Zealand ship is deemed to be a vessel in respect of which the chief executive has given consent under **section 103A** of the principal Act. 25
- (3) On the commencement of this section, every vessel to which this section applies that is not a New Zealand ship is deemed to be an unregistered fishing vessel under the principal Act. 30

**Part 2****Observers and other matters**

*Amendments taking effect on day after date on  
which Act receives Royal assent*

- 19 Section 2 amended (Interpretation)** 5  
In section 2(1), definition of **fisheries services**, paragraph (d), after “fish farming”, insert “(including any observer performing or exercising a function, duty, or power in accordance with the observer programme)”.
- 20 Section 223 amended (Observer programme established)** 10  
(1) Replace section 223(1) with:  
“(1) The observer programme is established for the purposes of—  
“(a) collecting reliable and accurate information for fisheries research, fisheries management, and fisheries enforcement: 15  
“(b) collecting reliable and accurate information about vessel safety and employment on fishing vessels.”  
(2) In section 223(4), after “the effect of fishing on the aquatic environment, and the transportation of fish, aquatic life, or seaweed,”, insert “or on any other matter,”. 20  
(3) In section 223(4)(d), after “vessel”, insert “(including any matter relating to vessel safety or the employment of any person on the vessel)”.  
(4) In section 223(4)(e), replace “or seaweed” with “seaweed, waste, or any other matter”. 25  
(5) After section 223(4)(f), insert:  
“(g) any other matter that may assist any person, department, or agency with statutory responsibilities for vessel safety or employment matters to obtain, analyse, or verify information relevant to those responsibilities.” 30
- 21 Section 225 amended (Powers of observers and obligations of persons on vessels carrying observers)**  
After section 225(1)(d), insert:

“(da) have access to any safety equipment and to any document concerning the manufacture or operation of the equipment:

“(db) have access to any person engaged or employed to do work on the vessel so that, if the observer so wishes, the observer may discuss with that person any matter concerning his or her engagement or employment on the vessel.”. 5

**22 New section 227A inserted (Installation and maintenance of equipment on vessels may be required) 10**

After section 227, insert:

**“227A Installation and maintenance of equipment on vessels may be required**

The chief executive may require, in relation to any vessel, that specified equipment to observe fishing and transportation be installed and maintained on the vessel in accordance with regulations made under **section 297(1)(ca)**.” 15

**23 Section 262 amended (Cost recovery principles)**

After section 262(c), insert:

“(ca) costs of fisheries services relating to any observer performing or exercising a function, duty, or power in accordance with the observer programme must, so far as practicable, be attributed to the persons who benefit from those services.”. 20

**24 Section 297 amended (General regulations) 25**

(1) Replace section 297(1)(ca) with:

“(ca) prescribing requirements or matters relating to the installation and maintenance of equipment (including electronic equipment) to observe fishing or transportation, and to the payment of any associated prescribed fees and charges.”. 30

(2) After section 297(1)(ma), insert:

“(mb) without limiting paragraph (m), prescribing fees and charges payable under this Act in respect of the functions of observers, including regulations— 35

- “(i) authorising the chief executive to determine the amount payable in individual cases within the minimum and maximum amounts or rates prescribed in the regulations:
  - “(ii) prescribing different amounts or rates in respect of different areas or classes of vessels: 5
  - “(iii) specifying the period in respect of which fees and charges are payable, which period may begin when the observer is available to board the vessel concerned while it is waiting in port: 10
  - “(iv) specifying the method by which the amount payable in any case is to be determined:”.
-