

**Reprint
as at 1 July 2013**



**Fisheries (Toothfish Catch
Documentation Scheme)
Regulations 2000**
(SR 2000/57)

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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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 for Primary Industries.

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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,—

authorised representative means a person for the time being appointed as an authorised representative for the purposes of regulations 6 and 8

catch document means a catch document issued under the Conservation Measure 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

Conservation Measure means the Conservation Measure 170/XVIII adopted by the Commission in November 1999; and includes any amendment or modification of the Conservation Measure adopted by the Commission

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 Fisheries

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*).

Regulation 4 **authorised representative**: inserted, on 31 March 2003, by regulation 3(1) of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

Regulation 4 **catch document**: amended, on 31 March 2003, by regulation 3(2) of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

Regulation 4 **Conservation Measure**: inserted, on 31 March 2003, by regulation 3(3) of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

Regulation 4 **New Zealand catch document**: amended, on 8 September 2005, by regulation 3 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2005 (SR 2005/234).

5 Purpose

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

Regulation 5: amended, on 31 March 2003, by regulation 4 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

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

The master of a registered New Zealand ship that takes toothfish, or an authorised representative of that master, must complete a New Zealand catch document, in accordance with the Ministry of Fisheries' instructions issued with the document, when—

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

Regulation 6: amended, on 8 September 2005, by regulation 4 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2005 (SR 2005/234).

Regulation 6: amended, on 31 March 2003, by regulation 5 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

7 Duty of master of registered New Zealand ship when receiving transhipment of toothfish

- (1) The master of a registered New Zealand ship must ensure that a transhipment of toothfish is not received from another vessel unless the transhipment 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 transhipping toothfish received from another vessel, the master of a registered New Zealand ship must ensure that the landing or transhipment 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, or an authorised representative of that master, 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.

Regulation 8: amended, on 31 March 2003, by regulation 6 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26).

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 conviction to a fine not exceeding \$100,000.

Regulation 9(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 9(4): amended, on 1 October 2001, by regulation 3 of the Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2001 (SR 2001/263).

Marie Shroff,
Clerk of the Executive Council.

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Notes**1 General**

This is a reprint of the Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000. The reprint incorporates all the amendments to the regulations as at 1 July 2013, 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)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2005 (SR 2005/234)

Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2003 (SR 2003/26)

Fisheries (Toothfish Catch Documentation Scheme) Amendment Regulations 2001 (SR 2001/263)
