

**Reprint
as at 25 August 2005**



**Fisheries (Transfer of Functions,
Duties, and Powers to The New
Zealand Seafood Industry Council
Limited) Order 2001**

(SR 2001/282)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 296B of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of

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.

This order is administered by the Ministry of Fisheries.

Fisheries after consulting the Minister for the Environment, makes the following order.

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Order

- 1 Title**

This order is the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2001.
- 2 Commencement**

This order comes into force on 1 October 2001.
- 3 Interpretation**
 - (1) In this order, unless the context otherwise requires,—

Act means the Fisheries Act 1996

SeaFIC means The New Zealand Seafood Industry Council Limited.
 - (2) Any term or expression that is defined in the Act or regulations made under the Act and used, but not defined, in this order has the same meaning as in the Act or those regulations.

4 SeaFIC declared to be approved service delivery organisation

SeaFIC is declared to be an approved service delivery organisation for the period beginning on 1 October 2001 and ending with the close of 30 September 2006.

5 Transfer of chief executive's functions, duties, and powers to SeaFIC

The chief executive's functions, duties, and powers listed in—

- (a) Parts 1 to 3 of the Schedule are transferred to SeaFIC on and from 1 October 2001:
- (b) Parts 4 and 5 of the Schedule are transferred to SeaFIC on and from 1 July 2002:
- (ba) Parts 5A to 5C of the Schedule are transferred to SeaFIC on and from 11 July 2002:
- (c) Parts 6 to 8 of the Schedule are transferred to SeaFIC on and from 1 October 2002:
- (d) Part 9 of the Schedule are transferred to SeaFIC on and from the commencement date of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004.

Clause 5(ba): inserted, on 11 July 2002, by clause 3 of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/155).

Clause 5(d): added, on 11 November 2004, by clause 3 of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004 (SR 2004/358).

6 Certain data and information of SeaFIC is property of the Crown

All data and information received, held, or generated by SeaFIC in relation to the functions, duties, and powers transferred by this order to SeaFIC is the property of the Crown.

7 Rights of the Crown in relation to certain data and information of SeaFIC

- (1) This clause applies to all data and information received, held, or generated by SeaFIC in relation to the functions, duties, and powers transferred by this order to SeaFIC.

- (2) The Crown has, and SeaFIC must provide to the Crown, at no cost to the Crown, access to the data and information in accordance with standards and specifications issued by the Minister under the Act.
- (3) The Crown has full rights to use the data and information.
- (4) Without limiting subclause (3), the Crown may use the data and information for 1 or more of the following purposes:
 - (a) to further the purpose of the Act:
 - (b) to undertake research on matters related to the Act:
 - (c) to provide public access to the data and information as required by the Act:
 - (d) to comply with requirements under the Overseas Investment Act 2005:
 - (e) to comply with legislative requirements relating to archives and statistics.
- (5) This clause does not limit clause 6.

Clause 7(4)(d): amended, on 25 August 2005, by section 75 of the Overseas Investment Act 2005 (2005 No 82).

Schedule
Functions, duties, and powers transferred
to SeaFIC

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Part 1

**Statutory functions, duties, and powers
transferred on and from 1 October 2001**

The functions, duties, and powers in the following sections of the Act: 22(1), (3), and (4); 23(1), (2), (4), (6), and (7); 25(6); 26(3); 36(4) and (5); 37(4); 38(3); 41(4); 47(4); 49(2); 58(1); 61(1); 63; 66; 67; 67A; 68(2) to (4), and (6); 80; 98 (but not in relation to the High Seas Permit Register); 100; 102; 103(3); 104(2) and (3); 105(1), (2), and (3); 107; 124; 126 to 130; 132; 133(4); 148; 149; 153(3); 154; 159; 160 to 163; 165; 166; 305A to 305C (but only in relation to any approval, authority, decision, licence, permission, permit, or registration given, made, or completed under a function, duty, or power transferred by this order); 341(7) (but only in relation

Part 1—*continued*

to registering forward transfers of annual catch entitlement); 345; 347; and 348.

Schedule: amended, on 11 November 2004, by clause 4(1) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004 (SR 2004/358).

Schedule: amended, on 11 November 2004, by clause 4(2) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004 (SR 2004/358).

Part 2

Functions, duties, and powers in regulations
transferred on and from 1 October 2001

The functions, duties, and powers in the following regulations:

- (a) regulations 5(2)(b), 5(3), and 8(2) (but only in relation to certificates for functions, duties, and powers transferred by this order) of the Fisheries (Commercial Fishing) Regulations 2001:
- (b) regulations 4(1), 5(1), and 7 of the Fisheries (Deemed Values and Notification of Balances) Regulations 2001:
- (c) the Fisheries (Registers) Regulations 2001:
- (d) regulations 5, 6, 9A, 10, and 11 of the Fisheries (Licensed Fish Receivers) Regulations 1997:
- (e) regulations 3 (in relation to client numbers), 7(1) (excluding paragraph (d)), (4)(b), (5), and (6), 14 (in relation to the persons specified in section 189(a) to (e) of the Act, but excluding holders of special permits and masters and owners of vessels), 16, 29(2)(c) and (j), 30(1)(c), 32(3) (in relation to returns that are the responsibility of SeaFIC under this order), and 39 (in relation to licensed fish receiver returns, licensed fish receiver return amendments, monthly harvest returns, and monthly harvest return amendments) of the Fisheries (Reporting) Regulations 2001:
- (f) to receive applications and notify decisions, amendments, and revocations under the Fisheries (Satellite Vessel Monitoring) Regulations 1993:
- (g) regulations 6(3), 7 to 11, 12(2), 13(2), 14, 15, 16(2) and (3), and 17 to 20 of the Fisheries (Order of Transactions) Regulations 2001.

Part 3**Non-statutory duties transferred on and from
1 October 2001**

The following functions, duties, and powers:

- (a) to monitor fishers' compliance with minimum holdings required by section 74 of the Act:
- (b) to monitor fishers' compliance with the aggregation limits in section 59 of the Act:
- (c) to collect information from owners of individual transferable quota and annual catch entitlement before registering transfers of individual transferable quota and annual catch entitlement under sections 132 and 133 of the Act:
- (d) to receive applications for exemption from prohibitions imposed because of breaches of over-fishing thresholds:
- (e) to receive applications to register fish carriers:
- (f) to allocate unique identifiers to—
 - (i) persons within section 189(a) to (e) of the Act, except the holders of special permits and the masters and owners of vessels, who apply to become clients of SeaFIC; and
 - (ii) persons within section 189(f) to (h) of the Act who apply to become clients of the Ministry; and
 - (iii) special permit holders, associated persons, masters and owners of vessels, and people who have financial dealings with the Ministry:
- (g) to collect and update information and declarations to identify the details of classes of persons referred to in paragraph (f)(i):
- (h) in relation to a function, duty, or power transferred by this order, to check against minimum requirements in the Act and standards and specifications issued by the Minister under the Act—
 - (i) transactions (including applications for permissions, licences, authorisations, approvals, and dealings with quota or annual catch entitlements):
 - (ii) permissions, licences, authorisations, or approvals that have been issued:
 - (iii) returns and information referred to in section 189 of the Act:

Part 3—*continued*

- (i) to develop for approval forms for use in relation to any function, duty, or power transferred by this order:
- (j) to receive and make decisions, in accordance with standards and specifications set by the Minister, on applications for licensed fish receivers licences:
- (k) to manage and keep records of all declarations and permissions about the overseas status of a person, including—
 - (i) declarations made under section 56(2) of the Act; and
 - (ii) permissions granted under section 57 of the Act:
- (l) to notify persons who are exempt from minimum holding requirements under section 74(2) of the Act:
- (m) to receive applications to register fishing vessels:
- (n) to notify applicants of a consent given under section 103(4) of the Act:
- (o) to receive applications—
 - (i) to register automatic location communicators:
 - (ii) for type approvals for automatic location communicators:
- (p) to receive applications for dispensations under the Fisheries (Satellite Vessel Monitoring) Regulations 1993:
- (q) to notify the holder of a registered automatic location communicator of the cancellation of the registration:
- (r) to provide the Minister with statements, reports, agreements, particulars, performance reports, or other information in respect of the functions, duties, and powers transferred by this order to assure the Minister that the functions, duties, and powers are being delivered in accordance with—
 - (i) the Act and regulations made under it; and
 - (ii) the standards and specifications issued by the Minister:
- (s) to establish and use a quality assurance programme in relation to reports provided to the Minister:
- (t) to appoint a qualified auditor to audit information to be supplied to the Minister under section 296ZC of the Act:
- (u) to ensure, in relation to the functions, duties, and powers transferred by this order, that the source of a document or information received is identified:

Part 3—*continued*

- (v) to ensure that a document produced for the purposes of the Act is the original document:
- (w) to record on the Permit Register conditions imposed under any of sections 78(2), 78(6), and 78A(1) of the Act:
- (x) to record on the Permit Register when conditions imposed under any of sections 78(2), 78(6), and 78A(1) of the Act cease to apply under section 78(9) or are removed under section 78B of the Act:
- (y) *[Revoked]*
- (z) in relation to any function, duty, or power transferred by this order, to ensure that—
 - (i) the date and time at which a document was received, used, or generated is recorded:
 - (ii) a document is tracked:
 - (iii) a document is maintained securely:
 - (iv) the following persons can be identified:
 - (A) persons who have or had access to documents:
 - (B) persons who have or had the ability to alter documents:
- (za) to issue licensed fish receiver return books, monthly harvest return books, licensed fish receiver amendment return forms, and monthly harvest amendment return forms:
- (zb) to maintain a database of persons required to furnish licensed fish receiver returns and monthly harvest returns:
- (zc) to receive licensed fish receiver returns, licensed fish receiver return amendments, monthly harvest returns, and monthly harvest return amendments, and maintain a computerised record of information in them:
- (zd) to notify a person who has failed to comply with the requirements to furnish a licensed fish receiver return or a monthly harvest return:
- (ze) to notify the Minister of overdue licensed fish receiver returns or monthly harvest returns:
- (zf) to request, if appropriate, amendments to licensed fish receiver returns or monthly harvest returns, and to notify the Minister of amendments not made within the time the amendments are requested to be made:

Part 3—*continued*

- (zg) to validate licensed fish receiver returns and monthly harvest returns in accordance with standards and specifications issued by the Minister:
- (zh) to report to the Minister errors and inconsistencies in information supplied to SeaFIC under a function, duty, or power transferred by this order and used by SeaFIC in the exercise of the function, duty, or power.

Schedule paragraph (w): substituted, on 1 October 2001, by section 14(4) of the Fisheries Amendment Act 2001 (2001 No 65).

Schedule paragraph (x): substituted, on 1 October 2001, by section 14(4) of the Fisheries Amendment Act 2001 (2001 No 65).

Schedule paragraph (y): revoked, on 1 October 2001, by section 14(4) of the Fisheries Amendment Act 2001 (2001 No 65).

Part 4

Statutory duties transferred on and from
1 July 2002

The duties in section 350(3) to (6) of the Act.

Part 5

Functions, duties, and powers in regulations
transferred on and from 1 July 2002

The functions, duties, and powers in regulations 8 and 9 of the Fisheries (Transitional Provisions) Regulations (No 2) 2001.

Part 5A

Statutory duties transferred on and from
11 July 2002

Schedule Part 5A: inserted, on 11 July 2002, by clause 4(1) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/155).

The duties in sections 78(4), 78A(4)(b), 79(2)(b), and 79A(4)(b) of the Act.

Part 5B
**Functions, duties, and powers in regulations
transferred on and from 11 July 2002**

Schedule Part 5B: inserted, on 11 July 2002, by clause 4(1) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/155).

The functions, duties, and powers in regulation 15(1) and (2) of the Fisheries (Reporting) Regulations 2001.

Part 5C
**Non-statutory functions, duties, and powers
transferred on and from 11 July 2002**

Schedule Part 5C: inserted, on 11 July 2002, by clause 4(1) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/155).

The following functions, duties, and powers:

- (a) to monitor overfishing thresholds and determine when conditions imposed under section 78(2) of the Act take effect:
- (b) to notify the relevant persons when conditions imposed under section 78(2) or section 78A(1) of the Act cease to apply:
- (c) to administer approvals granted, or conditions imposed, under section 78(6) of the Act.

Part 6
**Statutory functions, duties, and powers
transferred on and from 1 October 2002**

The functions, duties, and powers in sections 98(1)(c), 101A, 136, 138, 138A, 145, and 146 of the Act.

Part 7
**Functions, duties, and powers in regulations
transferred on and from 1 October 2002**

The functions, duties, and powers in regulations 18(2)(b), 19(1) and (2), 20(1), and 26 of the Fisheries (Reporting) Regulations 2001.

Schedule: amended, on 11 July 2002, by clause 4(2) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/15).

Part 8
Non-statutory duties transferred on and from
1 October 2002

The following duties:

- (a) to monitor and compare reported catch against—
 - (i) catch limits imposed on fishing permits under section 92 of the Act:
 - (ii) catch limits set under sections 11 and 15 of the Act:
 - (iii) catch limits imposed on foreign vessel licences under section 83 of the Act:
 - (iv) catch limits imposed on any special permit issued under section 97 of the Act:
 - (v) catch limits set on foreign vessel approvals under section 112 of the Act:
 - (vi) catch limits set on high seas fishing permits under section 113K of the Act:
- (b) to report to the Minister the results of the comparison under paragraph (a):
- (c) to notify eligible commercial fishers of catch against—
 - (i) catch limits imposed on fishing permits under section 92 of the Act:
 - (ii) catch limits set under section 11 of the Act:
 - (iii) catch limits set under section 15 of the Act:
 - (iv) catch limits imposed on foreign vessel licences under section 83 of the Act:
 - (v) catch limits imposed on any special permit issued under section 97 of the Act:
 - (vi) catch limits set on foreign vessel approvals under section 112 of the Act:
 - (vii) catch limits imposed as a condition of a high seas permit condition under section 113K of the Act:
- (d) to collect, process, and maintain statements of reported catch received from commercial fishers to monitor the catch limits referred to in paragraph (c) (except subparagraph (v)):
- (e) to maintain a database of persons required to furnish inventory returns or annual audit reports:
- (f) to receive and maintain a record of information from inventory returns and annual audit reports:

Part 8—*continued*

- (g) if a person has failed to furnish an annual inventory return or an annual audit report as required, to notify the person of the failure:
- (h) to advise the Minister of any overdue annual inventory returns and annual audit reports:
- (i) to request, if appropriate, amendments to annual inventory returns and annual audit returns, and to notify the Minister of amendments not made within the time the amendments are requested to be made:
- (j) to validate annual inventory returns and annual audit returns in accordance with standards and specifications issued by the Minister:
- (k) to monitor and compare reported catch with catch limits imposed under the Act:
- (l) to notify eligible commercial fishers of catch in relation to catch limits imposed under the Act:
- (m) to collect, process, and maintain statements of reported catch from commercial fishers for the purpose of monitoring catch limits imposed under the Act.

Part 9

Statutory functions, duties, and powers
transferred on and from the commencement
date of the Fisheries (Transfer of Functions,
Duties, and Powers to The New Zealand
Seafood Industry Council Limited)
Amendment Order 2004

Schedule Part 9: added, on 11 November 2004, by clause 4(3) of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004 (SR 2004/358).

The functions, duties, and powers in sections 152A and 296ZAA of the Act.

Martin Bell,
Acting for Clerk of the Executive Council.

Reprinted as at
25 August 2005

**Fisheries (Transfer of Functions, Duties,
and Powers to The New Zealand Seafood
Industry Council Limited) Order 2001**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 20 September 2001.

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Notes**1 *General***

This is a reprint of the Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Order 2001. The reprint incorporates all the amendments to the order as at 25 August 2005, 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)*

Overseas Investment Act 2005 (2005 No 82): section 75

Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2004 (SR 2004/358)

Fisheries (Transfer of Functions, Duties, and Powers to The New Zealand Seafood Industry Council Limited) Amendment Order 2002 (SR 2002/155)

Fisheries Amendment Act 2001 (2001 No 65): section 14(4)
