



Customs Export Prohibition (Toothfish) Order 2000

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 56 of the Customs and Excise Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and being of the opinion that the prohibition effected by this order is necessary in the public interest, makes the following order.

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Order

1 Title

This order is the Customs Export Prohibition (Toothfish) Order 2000.

2 Commencement

This order comes into force on 11 May 2000.

3 Interpretation

In this order,—

Conservation Measure means Conservation Measure 170/XVIII, adopted in November 1999 by the Commission for the Conservation of Antarctic Marine Living Resources, under Article IX of the Convention

Convention means the Convention on the Conservation of Antarctic Marine Living Resources that was opened for signature at Canberra on 1 August 1980

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*).

4 Certain toothfish exports prohibited

The exportation of toothfish is prohibited, unless it is covered by a completed catch document (and, if New Zealand is not the country of landing, by a completed re-export document) issued by a party to the Convention in accordance with the Conservation Measure.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 11 May 2000, relates to 2 species of toothfish. The 2 species are fish that are found in Antarctic and sub-Antarctic waters at depths from around 300 to 3500 metres, that start breeding around 10 years of age, and that can, as well as living for up to around 50 years, grow to lengths of more than 2 metres.

The exportation of toothfish is prohibited, unless it is covered by a completed catch document (and, if New Zealand is not the country

of landing, by a completed re-export document) issued in accordance with Conservation Measure 170/XVIII. That Measure was adopted in November 1999 by the Commission for the Conservation of Antarctic Marine Living Resources, under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources.

The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000, which come into force on the same day as this order and impose certain duties, also give effect to the Conservation Measure.

Under section 56(5)(a) of the Customs and Excise Act 1996, this order expires on the close of 31 December 2000 except so far as it is expressly confirmed by Act of Parliament passed before that date. Even if confirmed completely in that way, under section 57 of that Act, this order expires on the close of 11 May 2003 unless it is sooner revoked or extended for a further period of up to 3 years.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 13 April 2000.

This order is administered in the New Zealand Customs Service.
