



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

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.

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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; 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.

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.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2004, give effect to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

Regulation 3 relates to the application of the regulations. The regulations apply to New Zealand flagged vessels registered on the Register. They apply only if the Minister has notified in the *Gazette* the date on which the Convention comes into force with respect to New Zealand and the Convention is in force with respect to New Zealand.

Regulation 4 defines certain terms used in the regulations.

Regulation 5 states that the purpose of the 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.

Regulation 6 establishes the New Zealand Western Central Pacific Fisheries Convention Vessel Register and specifies the details that must be kept in the Register.

Regulation 7 provides that only authorised registered vessels may fish for highly migratory fish stocks in the Convention area.

Regulation 8 requires any registered vessel that fishes for highly migratory fish stocks in areas in the Convention area under the national jurisdiction of another State to complete catch, effort, and landing returns.

Regulation 9 creates offences for the contravention of regulation 7(1)(a), or regulation 7(2), or regulation 8. The penalty is a fine not exceeding \$100,000.

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These regulations are administered in the Ministry of Fisheries.
