



**FISHERIES (SOUTH TASMAN RISE ORANGE ROUGHY FISHERY)  
REGULATIONS 1998**

---

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 24th day of August 1998

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

---

ANALYSIS

- |                                    |  |
|------------------------------------|--|
| 1. Title and commencement          | 6. Further particulars may be required |
| 2. Interpretation                  | 7. Proof of information                |
| 3. Application                     | 8. Grant of authorisation              |
| 4. Quota for orange roughy imposed | 9. Prohibition on landing fish         |
| 5. Application for authorisation   | 10. Offences                           |
- 

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 1998.

(2) These regulations come into force on 1 September 1998.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“Australian fishing zone” has the meaning given to it by the Fisheries Management Act 1991 (Commonwealth of Australia):

“New Zealand person” means a New Zealand citizen, a person entitled to reside in New Zealand indefinitely, or a body incorporated in New Zealand:

“New Zealand ship” has the meaning given to it by section 2 (1) of the Ship Registration Act 1992:

“Orange roughy” means the fish with the scientific name *Hoplostethus Atlanticus*:

“South Tasman Rise Area” means that area bounded by the line commencing at the point of intersection of the meridian of longitude 146° 30'E with the outer limit of the Australian fishing zone off Tasmania, then proceeding south along that meridian to its intersection by the parallel of latitude 48°30'S, then proceeding east along that parallel to its intersection by the meridian of longitude 150°E, then proceeding north along that meridian to its intersection by the outer limit of the Australian fishing zone, and then proceeding generally westerly along the outer limit of the Australian fishing zone to the point of its commencement.

(2) Any term or expression that is not defined in these regulations, but that is defined in the Fisheries Act 1996, has the meaning given to it by that Act.

**3. Application**—These regulations apply to the taking of orange roughy in the South Tasman Rise Area by any person who is a New Zealand person or is the operator or a crew member of a New Zealand ship.

**4. Quota for orange roughy imposed**—(1) A quota of 215.5 greenweight tonnes is imposed on the taking of orange roughy in the South Tasman Rise Area during the period commencing on 1 September 1998 and ending with the close of 28 February 1999.

(2) As soon as practicable after becoming aware that the quota under subclause (1) has been reached, the chief executive must notify each holder of an authorisation issued under regulation 8 of that fact in writing.

**5. Application for authorisation**—(1) A commercial fisher who wishes to obtain an authorisation under regulation 8 must make application in writing to the chief executive.

(2) Every application must be accompanied by the appropriate prescribed fee (if any).

(3) Every application must be sent or delivered to the chief executive at such address as may be specified for the purpose by the chief executive.

**6. Further particulars may be required**—Even though an applicant may have complied with regulation 5, the chief executive may require the applicant to provide further information to assist the chief executive in considering the application.

**7. Proof of information**—The chief executive may require an applicant to provide, in such form as the chief executive may specify, proof of information given by the applicant.

**8. Grant of authorisation**—(1) The chief executive may grant an applicant an authorisation for a purpose specified in these regulations or decline to do so.

(2) The chief executive may make an authorisation subject to conditions, including conditions relating to—

- (a) The keeping of such records, and the completing and furnishing of such reports, as may be required by the chief executive;
- (b) The installation, operation, and maintenance of specified electronic navigation systems or vessel monitoring systems;
- (c) The receipt of, and accommodation and assistance to, observers on vessels;
- (d) The specification of the means of communication, and contact persons, for the receipt of Ministry directions and notifications;
- (e) The landing of fish;
- (f) The delivery of fish to licensed fish receivers.

(3) The chief executive may, at any time,—

- (a) Revoke an authorisation; or
  - (b) Amend or revoke any conditions imposed under subclause (2).
- (4) Any revocation of an authorisation, or amendment or revocation of a condition, under this regulation takes effect at and from the time notice of the revocation or amendment is provided to the person holding the authorisation.

**9. Prohibition on landing fish**—No person may land in New Zealand any orange roughy taken in the South Tasman Rise Area if that person does not hold an authorisation granted under regulation 8.

**10. Offences**—(1) A person commits an offence if—

- (a) The person takes, for the purposes of sale, any orange roughy to which these regulations apply, and the person does not hold an authorisation under regulation 8 for such taking; or
- (b) The person lands in New Zealand any orange roughy taken in the South Tasman Rise Area, and the person does not hold an authorisation under regulation 8 for such landing.

(2) A person commits an offence if the person fails to comply with any conditions of an authorisation granted under regulation 8.

(3) The maximum penalty to which a person is liable on summary conviction for an offence against this regulation is a fine not exceeding \$10,000.

MARIE SHROFF,  
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 September 1998, are intended to give effect in New Zealand to an arrangement between the Governments of New Zealand and Australia concerning the orange roughy fishery in the South Tasman Rise. The regulations prohibit the taking of orange roughy in that area without, or contrary to the conditions of, an authorisation granted under the regulations.

*Regulation 2* defines certain terms used in the regulations. Attention is drawn to the following definitions:

- “New Zealand person” means a New Zealand citizen, a person entitled to reside in New Zealand indefinitely, or a body incorporated in New Zealand;
- “New Zealand ship” has the same meaning as it has in the Ship Registration Act 1992.

*Regulation 3* provides that the regulations apply to any person who is a New Zealand person or is the operator or a crew member of a New Zealand ship.

*Regulation 4* imposes on the taking of orange roughy in the South Tasman Rise Area a quota of 215.5 greenweight tonnes during the period commencing on 1 September 1998 and ending with the close of 28 February 1999.

*Regulation 5* provides for applications for authorisations to be made to the chief executive of the Ministry of Fisheries.

*Regulation 6* enables the chief executive to require an applicant to provide further particulars to assist the chief executive in considering the application.

*Regulation 7* enables the chief executive to require an applicant to provide proof of information given by the applicant.

*Regulation 8* confers on the chief executive a discretion to grant or decline to grant authorisations to take orange roughy under these regulations.

*Regulation 9* prohibits persons landing in New Zealand orange roughy taken in the South Tasman Rise Area without an authorisation under regulation 8.

*Regulation 10* creates the following offences:

- Taking orange roughy from the South Tasman Rise Area, or landing in New Zealand orange roughy taken from that area, without an authorisation under regulation 8;
- Failing to comply with an authorisation.

The maximum penalty on summary conviction is a fine not exceeding \$10,000.

---

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

Date of notification in *Gazette*: 27 August 1998.

These regulations are administered in the Ministry of Fisheries.