

**Reprint
as at 1 July 2013**



**Fisheries (Satellite Vessel
Monitoring) Regulations 1993**
(SR 1993/354)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 27th day of October 1993

Present:
Her Excellency the Governor-General in Council

Pursuant to sections 89 and 92 of the Fisheries Act 1983, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby 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 and commencement

- (1) These regulations may be cited as the Fisheries (Satellite Vessel Monitoring) Regulations 1993.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—
Act means the Fisheries Act 1996

automatic location communicator means a device that complies with the appropriate standards and requirements specified by the chief executive under regulation 4

benthic protection area has the meaning given to it in regulation 4 of the Fisheries (Benthic Protection Areas) Regulations 2007

Fisheries Communication Centre means the Communication Centre of the Ministry of Fisheries located in Wellington

foreign licensed fishing vessel means a foreign fishing vessel licensed under section 83 of the Act

New Zealand fishing vessel means any fishing vessel registered under section 103 of the Act.

Regulation 2: substituted, on 1 October 2001, by regulation 3 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 2 **benthic protection area**: inserted, on 15 November 2007, by regulation 4 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2007 (SR 2007/309).

Regulation 2 **type approval**: revoked, on 16 December 2010, by regulation 4 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2010 (SR 2010/407).

3 Vessels required to carry and operate automatic location communicators

- (1) An automatic location communicator must be carried and operated on board—
- (a) foreign licensed fishing vessels excluding foreign licensed fishing vessels used to fish for tuna; and
 - (b) foreign-owned New Zealand fishing vessels; and
 - (c) registered fish carriers; and
 - (d) New Zealand fishing vessels exceeding 28 metres in overall length; and
 - (e) New Zealand fishing vessels of 28 metres or less in length that are used at any time during a fishing year in fishing for orange roughy or scampi; and
 - (ea) New Zealand fishing vessels of 28 metres or less in length that are used at any time during a fishing year in fishing for deepwater clam; and
 - (eb) New Zealand fishing vessels of 28 metres or less in length that are used at any time during a fishing year to trawl within a benthic protection area; and
 - (f) New Zealand fishing vessels of any class specified by the chief executive by notice in the *Gazette* given for the purposes of this regulation after consultation with an organisation considered by the chief executive to be representative of the classes of persons having an interest in New Zealand fishing vessels or foreign chartered fishing vessels; and
 - (fa) foreign licensed fishing vessels used to fish for tuna specified by the chief executive by notice in the *Gazette* given for the purposes of this regulation; and
 - (g) individual New Zealand fishing vessels specified by the chief executive by notice in writing to the person who registered the vessel under section 103 of the Act.

- (2) If a vessel ceases to be registered under section 103 of the Act or licensed under section 83 of the Act, as the case may be, an automatic location communicator shall no longer be required to be carried and operated on board the vessel.
- (3) The chief executive may in like manner amend or revoke any notice given under subclause (1).

Regulation 3(1): substituted, on 1 October 2001, by regulation 4(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 3(1)(a): amended, on 21 December 2001, by regulation 3(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations (No 2) 2001 (SR 2001/343).

Regulation 3(1)(ea): inserted, on 1 October 2006, by regulation 4 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2006 (SR 2006/241).

Regulation 3(1)(eb): inserted, on 15 November 2007, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2007 (SR 2007/309).

Regulation 3(1)(fa): inserted, on 21 December 2001, by regulation 3(2) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations (No 2) 2001 (SR 2001/343).

Regulation 3(2): amended, on 1 October 2001, by regulation 4(2)(a) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 3(3): amended, on 1 October 2001, by regulation 4(2)(b) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

4 Circulars specifying standards and requirements relating to automatic location communicators

- (1) The chief executive may from time to time, after consultation with an organisation considered by the chief executive to be representative of the classes of persons having an interest in New Zealand fishing vessels or foreign chartered fishing vessels, issue circulars specifying the standards and requirements applying in respect of automatic location communicators.
- (2) Different standards and requirements may be so specified in respect of different types of automatic location communicators.
- (3) Without limiting the generality of subclause (1), any such circular may specify all or any of the following:

- (a) the place in which an automatic location communicator is to be installed and the method of installation:
- (b) requirements as to the form, frequency, and detail of information to be supplied to the chief executive in relation to vessels required to carry such a device and the places and times at which such information is to be supplied:
- (c) the manner in which such devices are to be registered in accordance with regulation 6:
- (d) the approved organisations who are authorised to test such devices:
- (e) the minimum standards and requirements for the operation of such devices.

Regulation 4(1): amended, on 1 October 2002, by section 5(6) of the Fishing Industry Board Repeal Act 2001 (2001 No 34).

Regulation 4(1): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 4(3)(b): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

5 Type approvals may be granted in individual cases

[Revoked]

Regulation 5: revoked, on 16 December 2010, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2010 (SR 2010/407).

6 Registration of automatic location communicators

- (1) The chief executive shall, on an application made in writing on an approved form, register an automatic location communicator if the chief executive is satisfied that the device complies with the standards and requirements specified under regulation 4(1).
- (2) Every application for registration shall be accompanied by the prescribed fee (if any) and be supported by—
 - (a) such information as may be specified for the purpose under regulation 4(1); and
 - (b) such additional information as the chief executive may specify in writing to the applicant.
- (3) The chief executive may make the registration of any automatic location communicator subject to such reasonable con-

ditions as he or she may specify in writing to the applicant, and may at any time cancel the registration of any automatic location communicator if he or she is satisfied that it no longer complies with the appropriate standards or requirements specified under regulation 4.

Regulation 6(1): amended, on 16 December 2010, by regulation 6 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2010 (SR 2010/407).

Regulation 6(1): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 6(2)(b): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 6(3): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

7 Responsibilities of vessel operator and master

The operator and the master of any vessel required by these regulations to carry and operate an automatic location communicator must—

- (a) ensure that an automatic location communicator is carried on board the vessel in accordance with requirements specified under regulation 4(1); and
- (b) ensure that the automatic location communicator carried on board the vessel transmits information in accordance with—
 - (i) the standards and requirements specified by the chief executive under regulation 4(1); and
 - (ii) the manufacturer's specifications; and
- (c) ensure that the automatic location communicator carried on board the vessel operates continuously; and
- (d) ensure that the automatic location communicator carried on board the vessel is registered under regulation 6; and
- (e) ensure that, by the most practicable means and at the first reasonable opportunity,—
 - (i) the chief executive is notified if an automatic location communicator is removed from the vessel; or

- (ii) the Fisheries Communication Centre is notified if an automatic location communicator on board the vessel fails to work properly.

Regulation 7 heading: amended, on 1 October 2001, by regulation 6(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 7: amended, on 1 October 2001, by regulation 6(2) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 7(b)(i): amended, on 1 October 2001, by regulation 6(3) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 7(e)(i): amended, on 1 October 2001, by regulation 6(3) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

8 Offences and penalties

- (1) Every person commits an offence who,—
 - (a) without the approval of the chief executive, removes from a fishing vessel any automatic location communicator that is required to be carried and operated on board the vessel; or
 - (b) interferes with any automatic location communicator to such an extent that the device—
 - (i) no longer complies with the standards and requirements specified by circular issued under regulation 4(1); or
 - (ii) no longer operates in accordance with the manufacturer's specifications; or
 - (c) fails to notify the chief executive of any matter required by or under these regulations to be notified to the chief executive; or
 - (d) supplies false or misleading information to the chief executive for the purposes of these regulations; or
 - (e) fails to comply with any other provision of these regulations.
- (2) Every person who commits an offence against these regulations is liable on conviction to a fine not exceeding \$100,000 and, if the offence is a continuing one, to a further fine not exceeding \$1,000 for each day during which the offence is continued.

Regulation 8(1)(a): amended, on 1 October 2001, by regulation 7(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 8(1)(b)(i): amended, on 16 December 2010, by regulation 7 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2010 (SR 2010/407).

Regulation 8(1)(c): amended, on 1 October 2001, by regulation 7(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 8(1)(d): amended, on 1 October 2001, by regulation 7(1) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 8(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 8(2): amended, on 1 October 2001, by regulation 7(2)(a) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Regulation 8(2): amended, on 1 October 2001, by regulation 7(2)(b) of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

9 Defences

It is a defence to prosecution for an offence against regulation 8(1) if the defendant proves that—

- (a) the offence occurred as a result of an accident, or a mechanical or technical failure (other than a mechanical or technical failure of a nature that could have been avoided with adequate maintenance); and
- (b) the defendant acted reasonably in the circumstances.

10 Dispensations

- (1) Where the chief executive is satisfied that it is unreasonable or impracticable for any person or vessel to comply with any requirements prescribed by or under these regulations, the chief executive may, on such conditions as the chief executive thinks fit, authorise that person or vessel to operate without complying with all or any of those requirements to the extent that compliance therewith is unreasonable or impracticable in the case of that person or vessel.
- (2) Every authorisation granted under subclause (1) shall be in writing and have effect according to its tenor, and may

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be amended or revoked, as the case may require, to reflect changed circumstances.

Regulation 10(1): amended, on 1 October 2001, by regulation 5 of the Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR 2001/260).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 October 1993.

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Notes**1 General**

This is a reprint of the Fisheries (Satellite Vessel Monitoring) Regulations 1993. 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 contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

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”)

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- 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 (Satellite Vessel Monitoring) Amendment Regulations 2010
(SR 2010/407)

Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2007 (SR
2007/309)

Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2006 (SR
2006/241)

Fisheries (Satellite Vessel Monitoring) Amendment Regulations (No 2) 2001
(SR 2001/343)

Fisheries (Satellite Vessel Monitoring) Amendment Regulations 2001 (SR
2001/260)

Fishing Industry Board Repeal Act 2001 (2001 No 34): section 5(6)
