

REVIEW OF HIGH SEAS FISHING PERMITS – INITIAL POSITION PAPER

Executive Summary

- 1 A High Seas Fishing Permits (HSFP) is a mechanism for managing New Zealand vessels fishing and the effects of those vessels fishing on the aquatic environment of the High Seas. A HSFP permits the taking and transporting of fish on the High Seas.
- 2 The chief executive of the Ministry of Fisheries (MFish) has the power to issue HSFPs under section 113H of the Fisheries Act 1996 (the Act). Any fishing and transporting of fish undertaken pursuant to a HSFP must comply with the conditions of that fishing permit and with relevant regulations made under section 297 of the Act (section 113J of the Act).
- 3 MFish considers the use of HSFP to be a flexible and effective means of implementing sustainability and other management controls in relation to New Zealand vessels fishing on the High Seas. However since the introduction of HSFPs in 2001, the number of permit conditions in the body, and contained in appendices to the fishing permit, has increased substantially and is becoming unwieldy. The HSFP is becoming inefficient and cumbersome to administer, lacks clarity and therefore may also lack certainty for fishers as to what the permit conditions are.
- 4 In addition to this, New Zealand is entering into an increasing number of Regional Fisheries Management Organisation (RFMO) agreements, and international conservation and management measures which have implications for New Zealand vessels on the High Seas. As a result of this, there needs to be both a generic set of HSFP conditions and appropriate conditions to implement relevant RFMO measures in New Zealand.
- 5 Accordingly, MFish is currently reviewing HSFP permit conditions and is considering means to clarify and simplify HSFPs to ensure greater clarity in permit conditions and increased certainty that New Zealand is fulfilling its international obligations on the High Seas. MFish is currently improving the content and structure of HSFP, and will issue improved HSFPs on 1 April 2008.
- 6 MFish outlines two options in the IPP. Option One is to retain the current HSFP conditions (the status quo). Option Two is to place those conditions that are generic and unlikely to change in regulation by 1 October 2008 while retaining the Schedules that pertain to each RFMO. Option Two is compatible with MFish's current review of HSFP, which will be enacted on 1 April 2008¹. MFish prefers adopting Option Two in order to simplify the administration of High Seas fishing by New Zealand nationals and provide

¹ For further information on the current review of HSFP email david.odea@fish.govt.nz

greater certainty to permit holders of what general controls apply to New Zealand vessels fishing on the high seas.

- 7 No other management controls are proposed. These proposals are not intended to change any management measure but simply to change the means of implementing them.
- 8 Key issues include:
- The requirement to meet New Zealand's international obligations on the High Seas;
 - The requirement to implement effective sustainability and other management controls on New Zealand's fishing vessels operating on the High Seas;
 - The need to improve certainty that permit holders understand and comply with measures;
 - The need for greater clarity and simplicity of the means to implement management measures on the High Seas;
 - The need for flexibility and ease of implementing appropriate measures;
 - The certainty and clarity of the legal framework used to implement measures on the High Seas;
 - The utilisation of fisheries resources while ensuring sustainability.

Regulatory Impact Analysis Requirements

- 9 This IPP required a Regulatory Impact Statement which was reviewed internally by MFish's Regulatory Impact Analysis Steering Committee.
- 10 For more information on the Regulatory Impact Analysis Requirements and the meaning of the word 'significant' with reference to an IPP, please refer to the Ministry of Economic Development website www.med.govt.nz.

The Issue

- 11 At present HSFP conditions implement sustainability and other management controls on the High Seas and may be characterised into two categories.
- Conditions that are general generic and administrative (the definitions and general conditions of the current HSFP are listed in Appendix two);
 - Conditions tailored to implementing specific Regional Fisheries Management Organisation (RFMO)² measures to which New Zealand is a party³.

² RFMOs have been established to (among other things) supervise and manage fishing for highly

- a) Generic conditions include:
 - i) Requirements regarding the carriage on board of specified documents including the HSFP;
 - ii) Requirements regarding communication standards;
 - iii) Requirement to notify details relating to particular voyages;
 - iv) Requirement to notify entry/exit from New Zealand fisheries waters, and fishing under foreign fishing jurisdiction or in any restricted area;
 - v) Requirement to notify entry into port;
 - vi) Requirements regarding the carriage of observers;
 - vii) Requirements regarding inspections;
 - viii) Requirements regarding vessel monitoring;
 - ix) Requirement regarding the marking of vessels;
 - x) Requirements regarding approval to land to ports outside New Zealand fisheries waters;
 - xi) Requirements regarding prior approval to make transhipments;
 - xii) Requirements regarding reporting;
 - xiii) Requirements regarding transit limitations;
 - xiv) Requirements regarding gear restrictions;
 - xv) Requirement to exclude from the HSFP anadromous fish and those fish stocks covered by regional arrangements that New Zealand is not a party.
 - b) Measures to give effect to international management measures as required from time to time by the WCPFC, CCSBT, CCAMLR, SIOFA, and SPRFMO.
- 12 There has been a steady incremental increase in the number of generic and administrative conditions used since 2001. The section of the permit containing the generic conditions now numbers 16 pages. The permit is becoming difficult to administer and enforce, there is repetition, formatting issues and a need to ensure fishing permit conditions are clear and easy for fishers to understand. Accordingly the HSFP is becoming inefficient to administer, may be confusing to permit holders and may be lacking sufficient levels of certainty.
- 13 This IPP outlines a proposal to improve the clarity, certainty and potentially transparency by moving some HSFP conditions into regulation.

migratory and straddling stocks sustainably on the high seas in a manner consistent with the goals of pertinent international agreements.

³ New Zealand is a member of three RFMOs: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); the Western and Central Pacific Fisheries Commission (WCPFC); and the Commission for the Conservation of Southern Bluefin tuna (CCCSBT). New Zealand is also a party to interim arrangements in the formation of the South Pacific Regional Fisheries Management Organisation (SPRFMO) and for the South Indian Ocean Fisheries Agreement (SIOFA).

- 14 The other types of condition are those implementing international conservation and management measures including those relating to RFMO commitments to which New Zealand is a party. International conservation and management measures are given effect in New Zealand by regulation or through HSFP conditions. However, the flexibility and comparative efficiency of implementation of high seas fishing permit conditions in comparison to regulations, means HSFP conditions are likely to remain the preferred means of implementing any international conservation and management measures subject to change in the short term, or requiring early implementation. There is a much greater need for retaining flexibility for implementing international conservation and management measures because many resolutions are provisional in nature and in the form of capacity controls that are liable to change from time to time.

Summary of Options

Option One – Status Quo

- 15 The *status quo* option is to retain the current arrangement of administering sustainability and management controls on the High Seas by HSFP. Permit holders would continue to be subject to and need to comply with all permit conditions during the term of the HSFP.
- 16 The status quo would incorporate the improvements made through any outcomes of the current MFish HSFP review.
- 17 The review of HSFPs includes but is not necessarily be limited to the formatting and structural matters listed below. These measures are anticipated to come into effect with HSFPs issued from 1 April 2008:
- Revise the wording of HSFP conditions to simplify, clarify and provide greater certainty to HSFP holders. (This would not have the effect of changing the meaning of generic permit conditions);
 - Remove redundant conditions (e.g. conditions 37 and 38 as listed in Appendix Two);
 - Define the relationship of the schedules to the main body of the fishing permit;
 - Clarify definitions and place them appropriately within the HSFP;
 - Standardise the formatting of the HSFP to make it more user friendly.
- 18 Those intending to fish the High Seas from 1 April 2008 will be required to apply, and where appropriate, be issued with a new HSFP containing revised permit conditions. Under the status quo, HSFPs would remain as the primary means of implementing monitoring and reporting requirements and regulating fishing by vessels on the High Seas fishing register.

19 Additional conditions are likely be added from time to time as required particularly those concerning new or revised RFMO measures⁴.

⁴ New conditions arising from recent RFMO resolutions are already being considered through a separate process. For example to achieve interim arrangements for the South Pacific new HSPF conditions are currently proposed that will limit the areas in which bottom trawling may occur, with the requirement to move on where evidence of vulnerable marine ecosystems is encountered.

Option Two –Review permit conditions and place generic and administrative measures in regulation-MFish Preferred Option

- 20 Option Two proposes to continue from the current review of HSFP conditions described above but also further evaluate those HSFP conditions suited for implementing by regulation. Suitability for inclusion in regulations will relate primarily to those conditions that are purely administrative and/or generic in nature and unlikely to change each fishing year. Those HSFP conditions assessed suitable would be implemented by regulation on 1 October 2008 and subsequently removed from the HSFP. Accordingly, option two will require amendments to the commercial fishing and the reporting regulations or the inclusion of a new set of High Seas fishing regulations.
- 21 Accordingly, Option Two proposes to identify conditions that are:
- a) Generic, and unlikely to change in the medium term from fishing year to fishing year and place these in regulations by 1 October 2008 (e.g. conditions 2-36 and 39-48 as listed in Appendix Two).
 - b) Identify those conditions that may be subject to change or require early implementation to remain as HSFP conditions (e.g. many of the current schedules such as those implementing international conservation and management measures, including those relating to the WCPFC, CCAMLR and SPRFMO negotiations).
- 22 As for Option One the current demarcation of HSFP conditions into those that are primarily generic and administrative contained in the body of the permit and those that implement specific RFMO measures to which New Zealand is a party contained in appendices would remain. However by adopting Option Two, the number of conditions retained in the body of the HSFP would be greatly reduced. Additional conditions are likely to be added to the HSFP from time to time as required. However, these will primarily concern new or revised international conservation and management measures to be implemented by conditions in appendices of the HSFP as appropriate.

Rationale for Management Options

- 23 The option to place conditions in regulation is proposed under section 297 of the Act.
- 24 Key factors when considering relevant management options are:
- The need to improve certainty to ensure that permit holders understand and comply with measures pertaining to the High Seas;
 - The need for greater clarity and simplicity of the means to implement management measures;
 - The need for flexibility and ease of implementing measures;
 - The certainty of the legal framework used to implement measures;
 - The utilisation of fisheries resources while ensuring sustainability.

- 25 The rationale for Option Two is that it is likely to be compatible with any outcome of the current (1 April 2008) MFish review of HSFP conditions and can be implemented in a logical sequence of time. The current review will improve the clarity of HSFPs, but may not reduce the size of the HSFP significantly. Accordingly, MFish prefers adopting Option Two in order to further simplify the administration of High Seas fishing by New Zealand vessels and provide greater certainty to permit holders by removing redundant conditions. Option Two would significantly reduce the size and complexity of the current HSFP, and would be more user friendly. The regulations proposed under Option Two would also provide greater availability and transparency of information that comes from having the requirements generally available to the public. In addition to this, regulations will likely provide increased certainty to fishers as to what general conditions are going to be for each fishing year.

Assessment of Management Options

- 26 MFish considers that the proposals are unlikely to have significant impacts on HSFP holders because no changes to management measures are proposed, changes are related to the mechanism of implementation.
- 27 MFish is interested in the views of stakeholders on the proposed options. In particular MFish is interested in hearing from HSFP holders as to any difficulties they might have interpreting and/or complying with current HSFP conditions and their assessment of the relative merits of the options. In the event permit holders favour option two they may wish to indicate a preference for amendments to the existing commercial fishing and reporting regulations or a new set of High Seas fishing regulations.

Option One – Status Quo

Impact

- 28 The current generic HSFP have been in use consistently since 2001. There have been few major changes to the wording of individual HSFP conditions. However, there has been a substantial increase in the number of new permit conditions over time. Separate consultation occurs as and when new HSFP conditions are imposed. MFish considers HSFP holders are generally familiar with the operation of the regime, although the current permit may be cumbersome to use.

Costs

- 29 The current HSFP has an unwieldy number of administrative and or generic conditions. The major disadvantage of retaining the status quo is the uncertainty around permit holders to interpret and understand what is required to comply with all HSFP conditions because of its cumbersome nature. MFish hopes to reduce this problem through its current review of HSFP conditions, and improvements to the formatting and clarity of wording of the HSFP.

Benefits

- 30 An advantage of the *status quo* is the ease and flexibility of implementing measures. In addition, HSFP holders are generally familiar with what is required, although not necessarily clear. Therefore, this benefit is offset against the lengthy cumbersome and potentially confusing nature of the permit. Fishers can refer to a single, albeit increasingly large and complex, document in order to comply with the current HSFP conditions. However, it is uncertain how well fishers actually understand what is written in the permit. HSFP holders are likely to find interpretation of the HSFP is improved following amended HSFP being issued on 1 April 2008.

Option Two – Review permit conditions and place those that are generic in Regulation – MFish preferred option

Impact

- 31 Option Two proposes to identify conditions that are generic, and unlikely to change in the medium term and place these in regulation by 1 October 2008. Accordingly option two will require amendments to the commercial fishing and the reporting regulations or a new set of High Seas fishing regulations.
- 32 As with the other option, adopting Option Two would not impact on any management measures. However, there will be a loss of flexibility in the ability to quickly change any measures implemented by regulations. Offsetting this is the increased certainty of what general permit conditions are going to be each fishing year, that is provided by regulations

Costs

- 33 There might be inconvenience cost associated with the requirement for HSFP holders to comply with two sets of non-overlapping rules. If Option Two was adopted there would be a set of regulations (although in general these would pertain to the more generic measures for the High Seas) and a set of HSFP conditions (although in general these would pertain towards implementing specific RFMO measures).
- 34 Compliance with the measure could be checked as part of routine compliance inspections. MFish does not propose additional compliance effort is necessary as proposals are not intended to change or add any management measure but simply to change the means of implementing them.

Benefits

- 35 MFish prefers this option because it best meets the requirement to implement effective sustainability and other management controls on New Zealand's fishing vessels operating on the High Seas. This option addresses the need to improve certainty that permit holders understand and comply with measures, the need for greater clarity and simplicity of the means to implement management measures on the High Seas and the need for greater efficiency in the HSFP application/issuing process.

- 36 There is also value in placing generic conditions in regulation because of the increased availability and transparency that comes from having the requirements generally available to the public. Those HSFP conditions retained will become more tailored to implementing international conservation and management measures and it is likely to be easier for permit holders to understand and adhere to these more specific conditions.

Other Management Controls

- 37 No other management controls are proposed. These proposals are not intended to change any management measure but simply to change the means of implementing them.

Statutory Considerations

- 38 In reviewing the appropriateness of the proposals outlined in this IPP the relevant statutory criteria is outlined in Appendix One.

Appendix One

Statutory Considerations

- 39 In reviewing the appropriateness of proposals outlined in this IPP, the following statutory criteria apply. Under the Fisheries Act 1996 (FA96):
- 40 Section 5(a) requires all persons exercising or performing functions, duties, or powers conferred or imposed by or under the FA96 to act in a manner consistent with New Zealand's international obligations relating to fishing.
- 41 New Zealand is a party to certain international conservation and management measures which have relevance for high seas fishing. These include but are not limited to measures adopted by the WCPFC, CCSBT, CCAMLR, SIOFA, and SPRFMO negotiating parties.
- 42 Section 5(b) requires all persons exercising or performing functions, duties, or powers conferred or imposed by or under the FA96 to act in a manner consistent with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- 43 MFish considers that the proposals are consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- 44 Section 8. The purpose of the FA96 is to provide for the utilisation of fisheries resources while ensuring sustainability. Ensuring sustainability means maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations and avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment. 'Utilisation' means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic and cultural wellbeing
- 45 The proposed options outlined in this IPP include option 2 which is intended to improve the administration and compliance with sustainability measures and other management measures pertaining to the High Seas. Proposals should contribute to ensuring that the fishery is sustainable.
- 46 Improved administration, certainty and compliance with High Seas measures is likely to better enable people to provide for their social, cultural and economic wellbeing. Particularly of relevance is the economic wellbeing of fishers since the species fished for by New Zealand vessels on the high seas can achieve high export prices.
- 47 Section 9 requires all persons exercising or performing functions, duties, or powers conferred or imposed by or under the FA96, in relation to the utilisation of fisheries resources or ensuring sustainability, to take into account the following environmental principles: (a) Associated or dependent species should be maintained above a level that ensures their long-term viability: (b) Biological diversity of the aquatic environment should be maintained: (c) Habitat of particular significance for fisheries management should be protected.

- 48 Fisheries on the High Seas occasionally catch sea birds turtles and other non-harvested marine life. There are also known detrimental impacts on the benthos from trawling. There are therefore potential impacts on associated and dependent species, biodiversity and protected species that require monitoring and possibly future management action. There are no known habitats of particular significance that will be affected by the proposals. MFish considers that the environmental principles set out in section 9 of the Act will be better met by option 2 with the likelihood of improved certainty that permit holders understand and comply with relevant management measures.
- 49 Section 10 requires all persons exercising or performing functions, duties, or powers conferred or imposed by or under the FA96, in relation to the utilisation of fisheries resources or ensuring sustainability, to take into account the following information principles:
- a) Decisions should be based on the best available information:
 - b) Decision makers should consider any uncertainty in the information available in any case:
 - c) Decision makers should be cautious when information is uncertain, unreliable or inadequate:
 - d) The absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of that Act.
- 50 There is uncertainty about the effectiveness and compliance of current HSPF conditions by permit holders. MFish considers that adopting measures as proposed in option 2, due to improved clarity and understanding of permit conditions would provide greater certainty in this regard than continuing with the status quo.
- 51 Section 189 requires certain persons to keep accounts, records and provide to the CE such returns as may be required by or under regulations made under the FA96. Section 189(a) includes holders of fishing permits, special permits, licences or other authorities or approvals issued or granted under the FA96 entitling the holder to take fish, aquatic life, or seaweed by any method for any purpose. This includes commercial fishers fishing on the high seas.
- 52 Section 297 empowers the Governor General to make regulations for certain purposes. This includes under s297(1)(a) to (xiii) which relate to regulating and controlling the taking, possession and processing of fish aquatic life or seaweed, including controls on methods, equipment and devices, identification, storage and record keeping. (For more details see s297(1)(a) to (xiii) FA96).
- 53 Other section 297(1) criteria relevant to the proposals outlined in this IPP includes s297(1)(e) defining the vessels or classes or types of vessels to which any regulations are to apply; s297(1)(h) prescribing the accounts, records, returns, and information persons may be required to provide under the FA96; s297(1)(l) prescribing forms and other documents required for the purpose of the FA96; s297(1)(n) creating relevant offence provisions; s297(1)(y)

providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of the FA96 and for its due administration

- 54 Section 297(1)(o) enables the Governor General to make regulations implementing any provisions of, or giving effect to, New Zealand's relevant international obligations.
- 55 MFish considers that the proposals contained in the IPP have relevance to New Zealand implementing relevant international obligations pertaining to the High Seas.
- 56 Section 297(2) clarifies that regulations made under section 297 may apply in respect of New Zealand nationals and New Zealand ships when they are outside New Zealand fisheries waters.
- 57 Section 113K(1) empowers the chief executive to place conditions on high seas permit that he considers appropriate. The proposals outlined in this IPP include reference to current high seas permit conditions. It also has potential implications for future high seas fishing permits.

Appendix Two

Existing high seas fishing permit definitions and general conditions.

**NEW ZEALAND
HIGH SEAS FISHING PERMIT**

HSP1234567

Pursuant to section 113H of the Fisheries Act 1996:

Generic Fishing Company Limited

Client number XXXXXXXX

is hereby authorised to use the following vessel to take and transport fish, aquatic life and seaweed on the high seas, subject to the conditions of this permit, the Fisheries Act 1996, any relevant regulations made under that Act, and all other relevant legislation:

Vessel Name	Generic Vessel
International Radio Call Sign	ZMXX

Period for which Fishing is authorised

This permit is valid from 12 December 2007 until 30th April 2008 (inclusive).

Amendment and Revocation of Conditions

The Chief Executive may from time to time, by written notice to the permit holder, amend, add to, or revoke any of the conditions in this permit with effect from the date specified in the notice.

Chief Executive approvals and exemptions

Where any event or thing requires the approval or exemption of the Chief Executive, that approval or exemption may be given subject to conditions, which must be complied with as though they were conditions of this permit.

If required to obtain an approval or exemption from the Chief Executive under this permit, the permit holder must apply, in writing, to FishServe, PO Box 297,

Wellington.

Definitions

Terms used in this permit have the meanings set out in section 2(1) the Fisheries Act 1996 or as set out below:

"FCC" means the Fisheries Communication Centre of the Ministry of Fisheries.

"High seas returns" means high seas trawl catch effort returns, high seas squid jigging catch effort returns, high seas tuna longlining catch effort returns, high seas lining catch effort returns and high seas catch effort landing returns.

"High seas trawl catch effort returns", "High seas squid jigging catch effort returns", "High seas tuna longlining catch effort returns", "High seas lining catch effort returns", "High seas catch effort landing returns" mean the forms that have been approved by the Chief Executive for that purpose.

"Landing" means the removal or discharge of fish, aquatic life, or seaweed from the vessel in respect of which this permit has been issued. A landing is also deemed to occur from the vessel when the vessel ceases to be registered or is re-registered under the Fisheries Act, for whatever reason and by whatever mechanism.

"Permit holder" means the holder of this high seas fishing permit issued under section 113H of the Fisheries Act 1996.

"Restricted areas" means areas defined in conditions 47 and 48.

"Trip" means the movement of the 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 or transporting fish, aquatic life, or seaweed pursuant to this high seas fishing permit.

"Written notice to FCC" means the transmission of the required information by means of either electronic mail (E-mail), or facsimile to FCC at the following address/number:

E-mail fcc@fish.govt.nz

Facsimile +64 4 801 5381

GENERAL CONDITIONS

- 1 This permit or a copy of it must be carried on board the vessel when on a trip.

COMMUNICATIONS

- 2 The permit holder must ensure that a copy of all communications made to and received from FCC or any other New Zealand Government agency in relation to a trip, is kept on board the vessel during that trip.
- 3 The permit holder must ensure that the master of the vessel has a sound command of the English language.

Intention to leave port

- 4 When leaving on a trip, the permit holder must ensure that written notice to FCC of the following matters is provided at least 6 working days prior to the departure of the vessel from a port:
 - 4.1 name of high seas permit holder,
 - 4.2 vessel name,
 - 4.3 international radio call sign,
 - 4.4 name of vessel master,
 - 4.5 intended date and time of departure from port (specify whether using UTC or NZST),
 - 4.6 port of departure (including state and country, if outside NZ),
 - 4.7 species, weight and state of bait (if any) on board vessel at time of departure from port,
 - 4.8 area and species intended to be fished on trip,
 - 4.9 intended method of fishing on trip,
 - 4.10 proposed date of arrival at any port, and
 - 4.11 name of port of arrival.

- 5 The permit holder must ensure that written notice to FCC is provided immediately if any details in condition 4 change at any time prior to or during a trip.

Notification of entry to/exit from New Zealand fisheries waters, any foreign fishing jurisdiction, or any restricted area

- 6 When on a trip, the permit holder must ensure that written notice to FCC of the following matters is provided immediately on the vessel's entry to or exit from New Zealand fisheries waters, any foreign fishing jurisdiction, or any restricted area, including when transiting:
 - 6.1 name of permit holder,
 - 6.2 vessel name,
 - 6.3 international radio call sign,
 - 6.4 date, time and position of crossing of boundary (specify whether using UTC or NZST), and
 - 6.5 estimated time, date and position of exit from New Zealand fisheries waters, if entering New Zealand fisheries waters to transit.

Notification of intention of entry to port

- 7 When on a trip, the permit holder must ensure that written notice to FCC of the following matters is provided no later than 48 hours prior to the arrival of a vessel in any port (New Zealand or elsewhere):
 - 7.1 name of permit holder,
 - 7.2 vessel name,
 - 7.3 international radio call sign,
 - 7.4 estimated date and time of arrival in port (specify whether using UTC or NZST),
 - 7.5 intended port of call,
 - 7.6 an estimate of the species, weight and state of fish, aquatic life, or seaweed on board the vessel,
 - 7.7 estimated date and time of commencement of unloading (if any),
 - 7.8 species, weight and state of fish, aquatic life, or seaweed to be landed (if any), and

- 7.9 if landing to a port outside New Zealand fisheries waters, date of issue of approval granted under condition 20 of this permit, or a request to obtain approval.

OBSERVERS

- 8 The permit holder is required to carry an observer on a trip if requested to do so by the Chief Executive.
- 9 The permit holder must meet all costs arising from carriage of an observer if requested to do so by the Chief Executive.
- 10 The provisions relating to the placement of observers are contained in Part XII of the Fisheries Act 1996.

INSPECTION

- 11 The permit holder must ensure that a fishery officer or observer inspects the vessel and certifies that the vessel is empty of fish, aquatic life and seaweed prior to the vessel departing from a New Zealand port on a trip, unless prior written exemption has been obtained from the Chief Executive.
- 12 Condition 11 does not prevent the carriage of bait to be used for high seas fishing, provided the species, weight and state of the bait is recorded and notified in accordance with condition 4 prior to port departure.

VESSEL MONITORING

- 13 The permit holder must ensure that the vessel carries and operates an automatic location communicator currently registered with the Ministry of Fisheries at all times during the term of this permit.
- 14 The permit holder must comply with the requirements of the Fisheries (Satellite Vessel Monitoring) Regulations 1993 and any circulars issued thereunder as if

they were conditions of this permit. References in those regulations to “the operator and master of any vessel required by these regulations to carry and operate an ALC” must be read as references to “high seas fishing permit issued under section 113H of the Fisheries Act 1996”.

- 15 The permit holder must meet all costs arising from ensuring compliance with the requirements of the Fisheries (Satellite Vessel Monitoring) Regulations 1993.

VESSEL MARKINGS

- 16 The permit holder must ensure that the vessel is marked in accordance with Regulations 9, 10, 11(2), 11(3), 12 and 13 the Fisheries (Commercial Fishing) Regulations 2001.
- 17 The permit holder must ensure that the vessel is clearly and legibly marked with the vessel's international radio call sign.
- 18 The permit holder must ensure that all tenders are clearly and legibly marked on at least one side of the hull with the international radio call sign of the vessel to which it is a tender.

LANDING AND OTHER DISPOSAL OF FISH

- 19 Each landing to a Licensed Fish Receiver and each transshipment within New Zealand fisheries waters must be supervised by a fishery officer or observer, unless otherwise advised by FCC. All associated costs of the supervision are to be met by the permit holder.
- 20 No fish, aquatic life, or seaweed may be landed to a port outside New Zealand fisheries waters without the prior written approval of the Chief Executive. See Schedule 1 for further information.

- 21 No fish, aquatic life, or seaweed may be transhipped while in a port or on a trip, either to, or from the vessel, whether on the high seas or otherwise, without the prior written approval of the Chief Executive. See Schedule 1 for further information.

REPORTING

- 22 For the purposes of the reporting conditions in this permit, the term "trip" does not include a trip that is solely for the purposes of *transporting* fish, aquatic life or seaweed pursuant to this permit.
- 23 Every permit holder who is required to complete high seas returns and catch landing returns must complete such returns in accordance with the explanatory notes attached to the returns and the requirements of the Fisheries (Reporting) Regulations 2001 as if they were conditions of this permit.

High seas returns

- 24 Every permit holder who takes fish, aquatic life, or seaweed by the method of trawling must complete high seas trawl catch effort returns.
- 25 Every permit holder who takes squid by way of jigging must complete high seas squid jigging catch effort returns.
- 26 Every permit holder who targets tuna by the method of longlining must complete high seas tuna longlining catch effort returns.

- 27 Every permit holder who takes fish by the methods of bottom longlining, surface longlining (targeting species other than tuna), or trot lining must complete a high seas lining catch effort return.
- 28 Every permit holder who is required to complete high seas trawl catch effort returns, high seas squid jigging catch effort returns, high seas tuna longlining catch effort returns, or high seas lining catch effort returns must-
- 28.1 complete such returns for each day or part day that the vessel is on a trip (including days where no fish, aquatic life, or seaweed is taken); and
- 28.2 furnish such returns to FishServe no later than 7 days after the last day of the trip.

Catch landing returns

- 29 Every permit holder –
- 29.1 who is required to complete high seas trawl catch effort returns, high seas squid jigging catch effort returns, high seas tuna longlining catch effort returns, or high seas lining catch effort returns; and
- 29.2 who lands any fish, aquatic life, or seaweed to a licensed fish receiver in New Zealand-
- must complete catch landing returns in respect of all landings for that trip (whether such landings occurred within New Zealand fisheries waters or elsewhere).
- 30 Every permit holder required to complete catch landing returns must do so in the following manner:
- 30.1 In respect of fish, aquatic life, or seaweed landed to a licensed fish receiver, the permit holder must complete catch landing returns immediately on landing, with the exception of the last 2 columns of the section of the return headed "Catch Landing Data" which must be completed immediately upon receipt of the necessary information required from a licensed fish receiver; and

30.2 In respect of fish, aquatic life, or seaweed landed other than to a licensed fish receiver, the permit holder must complete catch landing returns immediately on landing.

31 Every permit holder required to complete catch landing returns must furnish such returns to FishServe no later than 7 days after the last day of the trip.

High seas catch effort landing returns

32 Every permit holder who takes fish, aquatic life, or seaweed pursuant to this permit but who is not required to complete high seas trawl catch effort returns, high seas squid jigging catch effort returns, high seas tuna longlining catch effort returns, or high seas lining catch effort returns must complete high seas catch effort landing returns.

33 Every permit holder who is required to complete high seas catch effort landing returns must complete the section of the return headed "Catch/Effort Data" for each day or part day that the vessel is on a trip (including days where no fish, aquatic life or seaweed is taken).

34 Every permit holder –

34.1 who is required to complete high seas catch effort landing returns;
and

34.2 who lands any fish, aquatic life, or seaweed to a licensed fish receiver in New Zealand-

must complete the section of the return headed "Catch Landing Data" in respect of all landings for that trip (whether such landings occurred within New Zealand fisheries waters or elsewhere).⁵

⁵ **Note:** Permit holders required to complete high seas catch effort landing returns but who do not land any fish, aquatic life, or seaweed to a licensed fish receiver in New Zealand are not required to complete the section of the return headed "Catch Landing Data".

- 35 Every permit holder who is required to complete the section headed "Catch Landing Data" of the high seas catch effort landing return must do so in the following manner:
- 35.1 In respect of fish, aquatic life, or seaweed landed to a licensed fish receiver, the permit holder must complete the section of the return headed "Catch Landing Data" immediately on landing, with the exception of the last 2 columns which must be completed immediately upon receipt of the necessary information required from a licensed fish receiver; and
- 35.2 In respect of fish, aquatic life, or seaweed landed other than to a licensed fish receiver, the permit holder must complete the section of the return headed "Catch Landing Data" immediately on landing.
- 36 Every permit holder required to complete high seas catch effort landing returns must furnish such returns to FishServe no later than 7 days after the last day of the trip

Other requirements

- 37 High seas return books can be obtained from FishServe.
- 38 An image of each type of high seas return is attached to this permit.
- 39 In addition, when taking fish, aquatic life, or seaweed pursuant to this permit, all the requirements of the Fisheries (Reporting) Regulations 2001 apply as if they were conditions of this permit, except:
- 39.1 High seas returns must be completed and furnished instead of:
- 39.1.1 catch, effort and landing returns;
 - 39.1.2 trawl catch, effort and processing returns;
 - 39.1.3 squid jigging catch, effort returns;
 - 39.1.4 tuna longlining catch, effort returns; or
 - 39.1.5 lining catch effort returns.
- 39.2 All times must be recorded in hours and minutes according to a 24-hour clock in **UTC** (Co-ordinated Universal Time) rather than New

Zealand standard time or New Zealand daylight time.

- 39.3 The appropriate species code to be entered on a high seas return in respect of the particular species taken is specified on the Ministry of Fisheries website: www.fish.govt.nz
- 39.4 All fishstock codes must be reported as the appropriate species code followed by the area code "ET" (e.g. for orange roughy enter "ORHET") unless a different area code is specified. An area-specific or species-specific authorisation or approval may require you to use a different area code when taking fish, aquatic life, or seaweed pursuant to that authorisation or approval. For example authorisations under the Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000 require holders to use the area code "STR" after the species code.
- 39.5 Where a species of fish, aquatic life, or seaweed is taken for which there is no corresponding species code, the species code for an unidentified species must be used ("UNX"). The permit holder must then obtain the correct scientific name for that species and report that scientific name, along with other relevant details to FishServe (PO Box297, Wellington).
- 39.6 The latitude and longitude of each place where the species of fish, aquatic life, or seaweed were taken or where fishing commenced must be entered on the appropriate high seas return.

TRANSIT LIMITATIONS

Limitations within New Zealand fisheries waters

- 40 The permit holder must not take any fish, aquatic life, or seaweed within New Zealand fisheries waters during a trip unless written approval has been obtained from the Chief Executive prior to departing on that trip.
- 41 Where the vessel has departed from a New Zealand port on a trip, the vessel must proceed directly to the high seas unless an approval as specified in condition 40 has been obtained from the Chief Executive.

- 42 Where the vessel has entered New Zealand fisheries waters from the high seas, the vessel must proceed directly to port unless:
- 42.1 an approval as specified in condition 40 has been obtained from the Chief Executive; or
 - 42.2 the vessel is transiting New Zealand fisheries waters.

Limitations within foreign fishing jurisdictions

- 43 The permit holder must not take any fish, aquatic life, or seaweed within any foreign fishing jurisdiction during a trip unless:
- 43.1 an approval to take fish, aquatic life, or seaweed within that foreign fishing jurisdiction has been obtained in respect of the vessel; and
 - 43.2 prior to the trip, the permit holder has supplied a copy of that approval to the Manager, International and Biosecurity, Ministry of Fisheries, PO Box 1020, Wellington.
- 44 Where the vessel has departed from a port of any country other than New Zealand on a trip, the vessel must proceed directly to the high seas unless an approval as specified in condition 43 has been obtained and a copy of that approval has been supplied to the Ministry of Fisheries.
- 45 Where the vessel has entered any foreign fishing jurisdiction from the high seas or from another foreign fishing jurisdiction while on a trip, the vessel must proceed directly to port unless:
- 45.1 an approval as specified in condition 43 has been obtained and a copy of that approval has been supplied to the Manager, International and Biosecurity, Ministry of Fisheries, PO Box 1020, Wellington.; or
 - 45.2 the vessel is transiting the foreign fishing jurisdiction.

GEAR RESTRICTIONS

Stowage of gear

- 46 Whenever the vessel is in an area where fishing, or certain types of fishing, are

not permitted, the permit holder must stow the relevant fishing equipment in such a manner that it is not readily available for use for fishing.

AREA/SPECIES RESTRICTIONS

WestPac Bank

- 47 The vessel must not be used to trawl in the area enclosed by a line commencing at a point on the boundary of the New Zealand exclusive economic zone (EEZ) at 39° S and 168° 34' E and proceeding due west to a point 39° S and 166° 30'E then proceeding due south to a point 40° 30' S and 166° 30' E then proceeding due east to a point 40° 30'S and 167° 24'E and then proceeding in a north-easterly direction to the point of commencement, unless the prior written approval of the Chief Executive has been obtained.

Note: Permit holders are reminded that when fishing in areas/for stocks subject to arrangements that New Zealand is a party to, the following legislation and regulations must be complied with (including the need to obtain an additional authorisation if required):

- Fisheries (Southern Bluefin Tuna Quota) Regulations 2000;
 - Fisheries (South Tasman Rise Orange Roughy Fishery) Regulations 2000;
 - Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000; and
 - Antarctic Marine Living Resources Act 1981.
- 48 Unless the permit holder has the prior approval of the Chief Executive, the permit holder is not authorised under this permit to engage in fishing operations for fish stocks that are subject to measures established by the following organisations or arrangements:
- General Fisheries Commission for the Mediterranean (GFCM)
 - Inter-American Tropical Tuna Commission (IATTC)
 - International Baltic Sea Fishery Commission (IBSFC)
 - International Commission for the Conservation of Atlantic Tunas (ICCAT)

- Indian Ocean Tuna Commission (IOTC)
- International Pacific Halibut Commission (IPHC)
- Northwest Atlantic Fisheries Organisation (NAFO)
- Northeast Atlantic Fisheries Commission (NEAFC)

Important Note: New Zealand's international obligations are such that this list or arrangements and organisations will change over time. Such changes will be notified to you as a change in your permit conditions. You are invited to contact the Ministry of Fisheries (Manager, International and Biosecurity, Ministry of Fisheries, PO Box 1020, Wellington) to discuss how your planned activities may relate to New Zealand's international obligations.

Note: Information on these organisations and arrangements, in particular the areas and stocks to which they relate, can be found in Schedule 2 and on the Ministry of Fisheries website (<http://www.fish.govt.nz/commercial/high-seas/index.html>).

49 The permit holder must not engage in fishing operations for anadromous fish stocks on the high seas.

Date: 12 December 2007

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of Fisheries
Government of New Zealand

SCHEDULE 1: APPROVALS TO LAND OUTSIDE NEW ZEALAND FISHERIES WATERS AND TO TRANSHIP

Landings to ports outside New Zealand fisheries waters

Permit holders may obtain an approval to land to ports outside New Zealand fisheries waters by applying to the Chief Executive. Each approval may cover a number of foreign ports. When permit holders make their application for approvals, they therefore may wish to specify all the foreign ports that they may wish to land at. Approval applications should be sent to FishServe, PO Box 297, Wellington.

Transhipments

Permit holders may obtain an approval to tranship catch to, or receive catch from, other vessels while in a port or on a trip by applying to the Chief Executive. Each approval may cover a number of other vessels. When permit holders make their application for approvals, they therefore may wish to specify all the vessels that they may wish to tranship catch to, or receive catch from. Approval applications should be sent to FishServe, PO Box 297, Wellington.

SCHEDULE 2: STOCKS SUBJECT TO ARRANGEMENTS THAT NEW ZEALAND IS NOT A PARTY TO

	Arrangement /organisation	Stock managed	Area
1	IATTC (Convention for the Establishment of an Inter-American Tropical Tuna Commission)	Yellowfin and skipjack tuna and other kinds of fish taken by tuna vessels in the Convention area	Eastern Pacific ocean
2	ICAAT (International Convention for the Conservation of Atlantic Tunas)	Tuna and tuna-like species	Atlantic Ocean, including the adjacent Seas
3	NAFO (Convention on future multilateral co-operation in the Northwest Atlantic Fisheries)	All fish, aquatic life or seaweed	The waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35° 00' north latitude and 42° 00' west longitude to 59° 00' north latitude, thence due west to 44° 00' west longitude, and thence due north to the coast of Greenland and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78° 10' north latitude
4	IOTC (Indian Ocean Tuna Commission)	Tuna and tuna-like species	The Indian Ocean and adjacent seas, north of the Antarctic Convergence
5	GFCM (General Fisheries Commission for the Mediterranean)	All aquatic resources	Mediterranean waters and contiguous waters
6	IBSFC (International Baltic Sea Fishery Commission)	All fish species and other living marine resources	The Baltic Sea and the Belts excluding internal waters, bounded in the west by a line as from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen
7	IPHC International Pacific Halibut Commission	Halibut (Hippoglossus)	In the territorial waters of Canada and of the United States and in the high seas off the western coast of Canada and of the United States, including Behring Sea
8	NEAFC Northeast Atlantic Fisheries Commission	All fisheries resources except for marine mammals and sedentary	(a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west

		species	longitude and 51° east longitude, but excluding: (i) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5°36' west longitude (b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.
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SCHEDULE X

New Zealand High Seas Fishing Permit Approvals, Exemptions and Amendments Condition 40 and 47 Exemption

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The exemptions/amendments/approvals stated below are valid for the duration of the High Seas Fishing Permit and may be varied or revoked at anytime.

Condition 40	1. When conducting a survey in conjunction with the Orange Roughy Management Company, Condition 40 of the New Zealand high seas fishing permit does not apply if a Ministry of Fisheries Observer is carried on board the vessel at all times.
Condition 47	2. When conducting a survey in conjunction with the Orange Roughy Management Company, Condition 47 of the New Zealand high seas fishing permit does not apply if a Ministry of Fisheries Observer is carried on board the vessel at all times.

Date:

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of Fisheries
Government of New Zealand

SCHEDULE X

New Zealand High Seas Fishing Permit Port Approval

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The permit holder has the approval of the Chief Executive to land fish, aquatic life, or seaweed in the ports listed below, which are outside New Zealand fisheries waters, from the vessel referred to in this permit.

The port approvals stated below are valid for the duration of the High Seas Permit and may be varied or revoked at anytime.

PORT	CITY/PROVINCE/REGION	COUNTRY
Port Lincoln		Australia
Cairns		Australia
Pago Pago		American Samoa
Levuka		Fiji
Funafuti		Tuvalu
Tarawa		Kiribati
Majuro		Marshall Islands
Kiritimati		Kiribati
Naro		Solomon Islands
Pohnpei		Federated States of Micronesia
Truk		Federated States of Micronesia
Rabual		Papua New Guinea
Honiara		Solomon Islands
Tulaghi		Solomon Islands
Wewak		Papua New Guinea
Koro		Solomon Islands
Madang		Papua New Guinea
Yap		Palau

Date: 12 December 2007

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of
Fisheries
Government of New Zealand

SCHEDULE X

New Zealand High Seas Fishing Permit Approvals, Exemptions and Amendments

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The exemptions/amendments/approvals stated below are valid for the duration of the High Sea Permit and may be varied or revoked at anytime.

Re: Dispensation from condition 40 – HSP.

Clause 40; *“The permit holder must not take any fish, aquatic life, or seaweed within New Zealand fisheries waters during the trip unless written approval has been obtained from the Chief Executive prior to departing on that trip.”* is waived for trips where fishing is to take place pursuant to an AMLR permit (issued pursuant to the Antarctic Marine Living Resources Act 1981).

Two further conditions of this approval require that the lines are un-baited and that a Fisheries Observer appointed by the Chief Executive shall be carried on board during the trip.

All other conditions associated with the High Sea Fishing Permit remain unchanged.

Date:

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of Fisheries
Government of New Zealand

SCHEDULE X

New Zealand High Seas Fishing Permit Approvals, Exemptions and Amendments

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The exemptions/amendments/approvals stated below are valid for the duration of the High Sea Permit and may be varied or revoked at anytime.

Definitions	<p>“FFA licensing country” means the member country of the South Pacific Forum Fisheries Agency that has provided licensed access to highly migratory fish stocks in its exclusive economic zone.</p> <p>“FFA country licence” means the licence issued by the FFA licensing country to fish for high migratory stocks in its exclusive economic zone.</p> <p>“South Pacific Regional Longline Logsheet” means catch logs that must be completed by vessels using the longline method, whether on the high seas or in the exclusive economic zone of the licensing country, on a trip pursuant to a FFA country licence.</p> <p>“South Pacific Regional Pole-and-Line Logsheet” means catch logs that must be completed by vessels using the pole and line method, whether on the high seas or in the exclusive economic zone of the licensing country, on a trip pursuant to a FFA country licence.</p> <p>“South Pacific Regional Purse-Seine Logsheet” means catch logs that must be completed by vessels using the purse-seine method, whether on the high seas or in the exclusive economic zone of the licensing country, on a trip pursuant to a FFA country licence.</p> <p>“MFish International Policy” means International and Biosecurity, Ministry of Fisheries, PO Box 1020, Wellington, New Zealand.</p> <p>“Notification of entry to or exit from the FFA licensing country exclusive economic zone” means the notification of entry to or exit</p>
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	<p>from the exclusive economic zone of the FFA licensing country, as specified in the FFA country licence.</p> <p>“Notification of entry into port” means the notification of entry into the port of a FFA licensing country, as specified in the FFA country licence.</p> <p>“Highly migratory fish stocks” are stocks of the fish species listed in Annex 1 of the United Nations Convention on the Law of the Sea 1982</p>
Condition 6	<p>3. When on a trip where the fishing is occurring pursuant to a FFA country licence, whether on the high seas or in the exclusive economic zone of the FFA licensing country, the following amendments apply.</p> <p>4. Condition 6 of the New Zealand high seas fishing permit does not apply when entering or exiting the exclusive economic zone of the FFA licensing country.</p> <p>5. Notification of entry and exit from the exclusive economic zone of the FFA licensing country, as specified in the FFA country licence, shall also be sent to FCC.</p> <p>6. The notification shall be sent to FCC immediately on the vessel's entry to or exit from the FFA licensing country's exclusive economic zone.</p> <p>7. The notification is required only when the vessel first enters the FFA licensing country's exclusive economic and again when the vessel exits the FFA licensing country's exclusive economic zone for the final time on that trip.</p>
Condition 7	<p>8. When on a trip where the fishing is occurring pursuant to a FFA country licence, whether on the high seas or in the exclusive economic zone of the FFA licensing country, the following amendments apply.</p> <p>9. Condition 7 of the New Zealand high seas fishing permit does not apply when entering a port of the FFA licensing country.</p> <p>10. Notification of entry into port of the FFA licensing country, as specified in the FFA country licence, shall also be sent to FCC.</p> <p>11. The notification shall be sent to FCC immediately on the vessel's entry into the FFA licensing country's port.</p>
Conditions 22 to 39	<p>12. When on a trip:</p> <ul style="list-style-type: none"> • While highly migratory fish stocks are being targeted and no

	<p>other species are being targeted; and</p> <ul style="list-style-type: none"> • While the method of fishing is one or more of the pole-and-line, purse-seine and/or longline methods and no other methods are being used; and • While the fishing is occurring pursuant to a FFA country licence, whether on the high seas or in the exclusive economic zone of the FFA licensing country; <p>the following amendments apply.</p> <p>13. Conditions 22 to 39 of the New Zealand high seas fishing permit do not apply.</p> <p>14. The holder of the New Zealand high seas fishing permit shall complete:</p> <ul style="list-style-type: none"> • A South Pacific Regional Longline Logsheet when fishing using the longline method; or • A South Pacific Regional Pole-and-Line Logsheet when fishing using the pole-and-line method; or • A South Pacific Regional Purse-Seine Logsheet when fishing using the purse-seine method. <p>15. Copies of the completed logsheets shall be furnished to MFish International Policy within 20 days of completion of the trip.</p> <p>16. When landing into a New Zealand port, conditions 29 and 30 of the New Zealand high seas fishing permit apply (i.e., the permit holder is required to complete and furnish catch landing returns).</p> <p>17. For any fishing activity during a trip that does not qualify under the criteria specified in paragraph 10 of this schedule, conditions 22 to 39 of the New Zealand high seas fishing permit apply.</p>
Condition 28.2	18. Where the completion of a trip is at the port of a foreign country, condition 28.2 of the New Zealand high seas permit is changed to read: "furnish such returns to FishServe no later than 20 days after the last day of the trip".
Condition 36	19. Where the completion of a trip is at the port of a foreign country, condition 36 of the New Zealand high seas permit is changed to read: "Every permit holder must furnish catch and effort landing returns to FishServe no later than 20 days after the last day of the trip".

Date:

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of
Fisheries
Government of New Zealand

SCHEDULE X

New Zealand High Seas Fishing Permit Transshipment Approval

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The permit holder has the approval of the Chief Executive to land fish, aquatic life, or seaweed in the ports listed below, which are outside New Zealand fisheries waters, from the vessel referred to in this permit.

The transshipment approvals stated below are valid for the duration of the High Sea Permit and may be varied or revoked at anytime.

Port	City/Province Region	Country

2. When transshipment is taking place pursuant to an FFA country licence, the terms and conditions of that licence shall be complied with.

3. As soon as is practicable, the permit holder will advise New Zealand Ministry of Fisheries' FCC of the name(s) and international call sign(s) of vessels that the fish, aquatic life and seaweed has been transhipped to.

Date: 12 December 2007

Wayne Lowther

General Manager (Client Services)

Acting under delegated authority of the Chief Executive of the Ministry of Fisheries

Government of New Zealand

SCHEDULE X

New Zealand High Seas Fishing Permit Approvals, Exemptions and Amendments

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The exemptions/amendments/approvals stated below are valid for the duration of the High Seas Fishing Permit and may be varied or revoked at anytime.

Definitions	<p>"CCAMLR" means the Convention on the Conservation of Antarctic Marine Living Resources.</p> <p>"CCAMLR Convention Area" means the area south of the Antarctic Convergence.</p>
Conditions 27 & 33	When fishing in the CCAMLR Convention Area pursuant to a permit issued under section 5 of the Antarctic Marine Living Resources Act 1981, Conditions 27 & 33 of the New Zealand high seas fishing permit do not apply.

Date:

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of Fisheries
Government of New Zealand

Schedule X

New Zealand High Seas Fishing Permit Approvals, Exemptions and Amendments Western Central Pacific Fishing Convention (WCPFC) Guidelines

Permit Holder:

Client No:

Permit Ref: HSP

Permit Expires: 30 April 2008

Vessel:

The exemptions/amendments/approvals stated below are valid for the duration of the High Seas Fishing Permit and may be varied or revoked at anytime.

The permit conditions contained in this schedule are measures to give effect to New Zealand's international obligations relating to high seas fishing in accordance with conservation and management measures adopted by the WCPFC.

1. Highly Migratory Fish Stocks Defined

For the purposes of these high seas permit conditions highly migratory fish stocks means all fish stocks of the species listed in Annex I of the 1982 Convention occurring in the Convention Area and such other species of fish as the Commission may determine:

Albacore tuna: *Thunnus alalunga*.

Bluefin tuna: *Thunnus thynnus*.

Bigeye tuna: *Thunnus obesus*.

Skipjack tuna: *Katsuwonus pelamis*.

Yellowfin tuna: *Thunnus albacares*.

Blackfin tuna: *Thunnus atlanticus*.

Little tuna: *Euthynnus alletteratus*; *Euthynnus affinis*.

Southern bluefin tuna: *Thunnus maccoyii*.

Frigate mackerel: *Auxis thazard*; *Auxis rochei*.

Pomfrets: Family *Bramidae*.

Marlins: *Tetrapturus angustirostris*; *Tetrapturus belone*; *Tetrapturus pfluegeri*; *Tetrapturus albidus*; *Tetrapturus audax*; *Tetrapturus georgei*; *Makaira mazara*; *Makaira indica*; *Makaira nigricans*.

Sail-fishes: *Istiophorus platypterus*; *Istiophorus albicans*.

Swordfish: *Xiphias gladius*.

Dolphin: *Coryphaena hippurus*; *Coryphaena equiselis*.

Oceanic sharks: *Hexanchus griseus*; *Cetorhinus maximus*; Family *Alopiidae*; *Rhincodon typus*; Family *Carcharhinidae*; Family *Sphyrnidae*; Family *Isurida*.

2. Western and Central Pacific Convention Area

'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.'

3. Seabird mitigation measures applying to surface longline vessels fishing for highly migratory species

Every permit holder fishing for highly migratory species in the Western and Central Pacific Convention Area by the method of surface longline shall use at least two seabird mitigation measures from the Table below, including at least one from Column A in areas south of 30 degrees South and north of 23 degrees North.

Column A	Column B
Side setting with a bird curtain and weighted branch lines ⁶	Tori Lines
Night setting with minimum deck lighting	Weighted branch lines
Tori line	Deep setting line shooter
Weighted branch lines	Underwater setting shoot
	Management of offal discharge

⁶ This measure can only be applied in the area north of 23 degrees North until research establishes the utility of this measure in waters south of 30 degrees South. If using side setting with a bird curtain and weighted branch lines from column A this will count as two mitigation measures

	Blue dyed bait
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58 4. This measure shall apply:

From 1 January 2008 to large scale longline vessels of 24 meters or more in overall length in areas south of 30 degrees south.

- a) ***From 30 June 2008 to large scale longline vessels of 24 meters or more in overall length in areas north of 23 degrees North.***
- b) ***From 31 January 2009 to longline vessels of less than 24 meters in overall length in areas south of 30 degrees South.***

59 5. The minimum standards for line weights are:

- i) **Line weights of between 45 and 60 grams must be positioned within 1 metre of the hook.**
- ii) **Line weights of 60-98 grams must be with 3.5 metres of the hook.**
- iii) **Line weights greater than 98 grams must be positioned within 4 metre of the hook.**

The minimum standards for tori lines are as approved by the Chief Executive for use in New Zealand fisheries waters in circulars issued pursuant to Regulation 58 of the Fisheries (Commercial Fishing) Regulations 2001.'

6. Measures applying to sharks caught in association with fisheries managed under the WCPF Convention

In the case of all vessels greater than 24 metre in overall length fishing for highly migratory species in the convention area outside of areas of national jurisdiction, the landing of shark fins is prohibited unless those fins are attached to the carcass of the shark.

7. Measures limiting fishing capacity in equatorial waters

7.1 A permit holder using a purse seine vessel to take highly migratory species in the high seas waters of the convention area between 20 degrees north and 20 degrees south must use one of the following vessels in accordance with the table below:

60	Name of Permit Holder	61	Name of Vessel	62	Vessel call sign
63	Amaltal Fishing Co Limited	64	Captain M J Souza	65	ZMAS
66	Sanford Limited	67	Ocean Breeze	68	ZMOB
69	Sanford Limited	70	San Nanumea	71	ZMSN
72	Sanford Limited	73	San Nikunau	74	ZMNK

7.2 Note: In accordance with section 113G of the Fisheries Act 1996 condition 7.1 does not preclude the operator of any vessel from applying for a high seas fishing

permit. However, the Chief Executive will consider an application for a high seas fishing permit in accordance with New Zealand's international obligations relating to fishing including New Zealand's obligations relating to the WCPFC.

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7.3 Note: In accordance with section 113K of the Fisheries Act 1996 the Chief Executive of the Ministry of Fisheries may consider imposing appropriate new permit conditions and additions, amendments or revocations to existing permit conditions including changes to the table set out in 7.1.

Date:

Wayne Lowther
General Manager (Client Services)
Acting under delegated authority of the Chief Executive of the Ministry of Fisheries
Government of New Zealand

REVIEW OF HIGH SEAS FISHING PERMITS – SUMMARY OF SUBMISSIONS

1 MFish received submissions on the review of High seas fishing Permits IPP from:

- Sanford Limited;
- New Zealand Seafood Industry Council (SeaFIC).

General Submissions

2 Support for adopting option two was received from both submitters listed above.

3 No other submissions on the proposal to review High Seas Fishing Permits were received.

Other Submissions

4 SeaFIC submits that the full and proper consultation is needed on the wording of the schedules containing obligations arising from the RFMO agreements.

5 MFish intends to ensure separate consultation occurs as and when new HSFP conditions are imposed.

6 SeaFIC requests confirmation from MFish that the absence of an RFMO relating to a High Seas area for which a HSFP is sought will not become a default setting for the refusal of a permit.

7 The issue of a default setting for the refusal of a High Seas fishing permit is outside the ambit of proposals being considered in this paper.