

Reprint
as at 11 May 2018



Customs Export Prohibition (Toothfish) Order 2015

(LI 2015/65)

Customs Export Prohibition (Toothfish) Order 2015: revoked, on 11 May 2018, by clause 6 of the Customs Export Prohibition (Toothfish) Order 2018 (LI 2018/58).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of March 2015

Present:
The Hon Bill English presiding in Council

Pursuant to section 56 of the Customs and Excise Act 1996, His Excellency the Governor-General makes the following order,—

- (a) acting on the advice and with the consent of the Executive Council; and
- (b) considering that the prohibition effected by this order is necessary in the public interest.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the New Zealand Customs Service.

Order

1 Title

This order is the Customs Export Prohibition (Toothfish) Order 2015.

2 Commencement

This order comes into force on 11 May 2015.

Order: confirmed, on 11 December 2015, by section 11(e) of the Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119).

3 Interpretation

In this order,—

catch document means a *Dissostichus* catch document issued in accordance with the Conservation Measure

Commission means the Commission for the Conservation of Antarctic Marine Living Resources, established under Article VII of the Convention

Conservation Measure means the Conservation Measure 170/XVIII—

- (a) as adopted by the Commission in November 1999; but
- (b) as in force from time to time as readopted, with any amendments or modifications, by the Commission

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

export document means a *Dissostichus* export document issued in accordance with the Conservation Measure

re-export document means a *Dissostichus* re-export document issued in accordance with the Conservation Measure

toothfish means any living or dead fish, and any flesh or other part (whether raw, or in any way processed or preserved) of any fish, of the following species:

- (a) Antarctic toothfish (*Dissostichus mawsoni*);
- (b) Patagonian toothfish (*Dissostichus eleginoides*).

4 Certain toothfish exports prohibited

The exportation of toothfish is prohibited unless—

- (a) the toothfish is covered by an appropriately completed catch document; and
- (b) if the toothfish has, at any time before the exportation, been landed (within the meaning of the Conservation Measure), the toothfish is covered by an appropriately completed export document or, if appropriate, re-export document.

5 Revocation

The Customs Export Prohibition (Toothfish) Order 2009 (SR 2009/64) is revoked.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on 11 May 2015, is made under the Customs and Excise Act 1996. It prohibits the exportation of 2 species of toothfish unless—

- the toothfish is covered by an appropriately completed catch document; and
- if the toothfish has, at any time before the exportation, been landed (within the meaning of the Conservation Measure as defined in this order), the toothfish is covered by an appropriately completed export document or, if appropriate, re-export document.

Those documents are required by the catch documentation scheme for toothfish under Conservation Measure 170/XVIII. That Conservation Measure was adopted by the Commission for the Conservation of Antarctic Marine Living Resources in 1999, under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (sometimes called CCAMLR). It is from time to time carried forward, with amendments or modifications adopted, by the Commission (as, for example, in Conservation Measure 10-05 (2014)).

The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000 also give effect to the Conservation Measure.

This order continues the prohibition in the Customs Export Prohibition (Toothfish) Order 2009 (including as it was, in 2012, extended for a further period of 3 years), and revokes that order.

Under section 56(5)(a) of the Customs and Excise Act 1996, this order expires on the close of 31 December 2015 except so far as it is expressly confirmed by Act of Parliament passed during 2015. Even if confirmed completely in that way, under section 57 of the Customs and Excise Act 1996 this order expires on the close of 10 May 2018 unless it is sooner revoked or extended for a further period of up to 3 years.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 April 2015.

Reprints notes

1 General

This is a reprint of the Customs Export Prohibition (Toothfish) Order 2015 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 Amendments incorporated in this reprint

Customs Export Prohibition (Toothfish) Order 2018 (LI 2018/58): clause 6

Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119): section 11(e)