

Reprint  
as at 1 October 2017



**Fisheries (Demerit Points and Civil Penalties) Regulations  
2001**  
(SR 2001/283)

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 296ZI of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**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.

**These regulations are administered by the Ministry for Primary Industries.**

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## Regulations

### 1 Title

These regulations are the Fisheries (Demerit Points and Civil Penalties) Regulations 2001.

### 2 Commencement

These regulations come into force on 1 October 2001.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Fisheries Act 1996

**approved service delivery organisation** means a person declared to be an approved service delivery organisation, and to whom any specified functions, duties, or powers of the chief executive have been transferred under section 296B of the Act

**direction** means a written direction under section 296Q of the Act given by the Minister to an approved service delivery organisation (being a direction in respect of the performance or exercise by the organisation of any specified functions, duties, or powers)

**standards and specifications** means the standards and specifications issued by the Minister on 13 December 2002 under section 296O of the Act (the general nature of which was indicated in a notice under section 296P of the Act that was published in the *Gazette* on 18 December 2002); and includes amendments to those standards and specifications.

Regulation 3 **standards and specifications**: amended, on 2 October 2003, by regulation 3(a) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).

Regulation 3 **standards and specifications**: amended, on 2 October 2003, by regulation 3(b) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).

### 4 Demerit points that may be recorded

- (1) The Minister may record the appropriate number of demerit points listed in the second column of Schedule 1 for each failure by an approved service delivery organisation to comply with a requirement of the standards and specifications within the service definitions listed in the first column of Schedule 1.

- (2) The Minister may record the appropriate number of demerit points listed in the third column of Schedule 1 for each failure by an approved service delivery organisation to comply with a direction given under section 296Q of the Act to rectify a failure described in subclause (1).
- (3) If an approved service delivery organisation fails to comply with any direction given under section 296Q of the Act for a purpose other than that described in subclause (2), the Minister may record the following demerit points:
- (a) 750 points; and
  - (b) an additional 1 000 points if the failure is not rectified in accordance with a subsequent direction given under section 296Q of the Act.

## **5 Civil penalties**

The amount of civil penalties payable to the Crown under section 296W of the Act by an approved service delivery organisation for demerit points recorded against that organisation under regulation 4 are set out in Schedule 2.

## **Schedule 1**

### **Demerit points to be recorded for failures under these regulations**

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#### **Notes—**

- the numbered headings and descriptions set out in the first column generally follow the service definitions set out in the standards and specifications:
- full copies of the standards and specifications are available from the Head Office, Ministry of Fisheries, 101–103 The Terrace, PO Box 1020, Wellington.

<b>Descriptions of requirements of standards and specifications subject to demerit points</b>	<b>Number of demerit points</b>	<b>Additional demerit points for failure to rectify breach</b>
<b>1 Approved service delivery organisation operation</b>		
(1) A requirement relating to all operations of the organisation (other than a requirement to comply with a written notice from the Minister)	10	20
(2) A requirement to comply with a written notice from the Minister	750	1 000
<b>2 Performance reporting</b>		
(1) Recordkeeping requirements	100	250
(2) Reporting requirements	100	250
(3) Monitoring requirements	100	250
(4) Auditing requirements	100	250

	<b>Descriptions of requirements of standards and specifications subject to demerit points</b>	<b>Number of demerit points</b>	<b>Additional demerit points for failure to rectify breach</b>
<b>3</b>	<b>Relationship between approved service delivery organisation and Minister</b>		
(1)	A requirement about the relationship between the organisation and the Minister	10	20
(2)	Dispute resolution requirements	10	20
<b>4</b>	<b>Approved forms</b>		
(1)	A requirement about Crown intervention	10	20
(2)	A requirement about instructional materials	35	100
(3)	A requirement about production and holding of return books	10	20
<b>5</b>	<b>System requirements and information management</b>		
(1)	A requirement about technical operating standards	35	100
(2)	Collection requirements	20	35
(3)	Information integrity requirements	100	250
(4)	Change control requirements	35	100
(5)	A requirement about portability of electronic information	35	100
(6)	Access requirements	20	35
(7)	Security requirements	35	100
(8)	A requirement about retention and disposal standards	20	35
(9)	A requirement about business continuity standards	35	100
(10)	A requirement about evidential standards	35	100
(11)	A requirement about the manner and form of information transfer	35	100
(12)	A requirement about information transfer between an organisation and a service delivery agency	10	20
<b>6</b>	<b>Official information</b>		
	A requirement about the general release of information	10	20
<b>7</b>	<b>Use of section 305A of the Act</b>		
	A requirement about the use of section 305A of the Act	10	20
<b>8</b>	<b>Monitoring</b>		

<b>Descriptions of requirements of standards and specifications subject to demerit points</b>		<b>Number of demerit points</b>	<b>Additional demerit points for failure to rectify breach</b>
(1)	A requirement about the preparation of monitoring reports	250	750
(2)	A requirement about notification of suspected offending	250	750
<b>9</b>	<b>Client registration</b>		
(1)	A requirement about managing client registration	10	20
(2)	A requirement about issuing client numbers	10	20
(3)	A requirement about updating client details	10	20
(4)	A requirement about cancelling client registration	10	20
(5)	Reporting requirements	10	20
(6)	A requirement about electronic data transfer	10	20
<b>10</b>	<b>Foreign ownership aggregation and forfeiture</b>		
(1)	Ensuring overseas persons do not purchase or own provisional catch history, quota, or annual catch entitlement	20	35
(2)	Consequences if foreign ownership provisions are breached	20	35
(3)	A requirement about the consequences when aggregation provisions are breached	20	35
(4)	A requirement about forfeit property as a consequence of a civil penalty	100	250
(4A)	A requirement about forfeit property as a consequence of a criminal conviction	100	250
(5)	A requirement about reporting to the Ministry of Fisheries	10	20
<b>11</b>	<b>Registers</b>		
(1)	A requirement about public access to register-related information	100	250
(2)	A requirement about Crown quota and annual catch entitlement on registers	750	1 000
(3)	A requirement about closure of registers	100	250
(4)	A requirement about updating registers	100	250
(5)	A requirement about settlement quota interests on registers	100	250
<b>12</b>	<b>Quota allocation</b>		

Descriptions of requirements of standards and specifications subject to demerit points	Number of demerit points	Additional demerit points for failure to rectify breach
A requirement about updating registers for allocation	10	20
<b>13 Quota and annual catch entitlement: general</b>		
(1) A general requirement about the management of trading/transfers of quota/annual catch entitlement	100	250
(2) A requirement about defining types of annual catch entitlement and carry-forward calculations	10	20
(3) A requirement about processing BNS3 annual catch entitlement trades for Chatham Islands fishers	10	20
(4) A requirement about transfers of quota shares subject to settlement quota interests	100	250
<b>14 Caveats and mortgages</b>		
(1) A requirement about applications for a caveat or mortgage (other than a requirement to register or vary a Crown caveat)	35	100
(2) A requirement to register or vary a Crown caveat under section 214 of the Act	500	750
(3) A requirement about adjustment of a caveat or mortgage	35	100
<b>15 Fishing permits</b>		
A requirement about maintaining the permit register	35	100
<b>16 Registration of vessels</b>		
(1) A requirement about registration of vessels	10	20
(2) A requirement about the issue of certificates of registration and replacement certificates of registration for fishing vessels	10	20
(3) A requirement about the issue of vessel registration numbers	10	20
(4) A requirement about applications for authorisation to become a notified user	10	20
(5) A requirement about the registration of notified users	10	20
(6) A requirement about the cancellation of registration	10	20
(7) A requirement about the issue of replacement certificates of notification for notified users	10	20

	<b>Descriptions of requirements of standards and specifications subject to demerit points</b>	<b>Number of demerit points</b>	<b>Additional demerit points for failure to rectify breach</b>
(8)	A requirement about the registration of fish carriers	10	20
(9)	A requirement about the issue of replacement certificates of registration for fish carriers	10	20
(10)	A requirement about geospatial position reporting devices	10	20
(11)	A requirement about the supply of cargo plans	10	20
(12)	A requirement about the maintenance of information	10	20
(13)	A requirement about updating the fishing vessel register	10	20
(14)	A requirement about reporting to the Ministry	10	20
(15)	A requirement about the transfer of high seas-related information to the service delivery organisation	10	20
(16)	A requirement about administering the change in vessel details in relation to high seas requirements	10	20
<b>17</b>	<b>Licensed fish receivers: application and licensing</b>		
	A requirement about applications or licensing for licensed fish receivers	20	35
<b>18</b>	<b>Reporting</b>		
(1)	A requirement about the maintenance of the database of persons required to file returns	10	20
(2)	A requirement about issuing return books	10	20
(3)	A requirement about the receipt of returns	100	250
(4)	A requirement about amended returns	10	20
(5)	A requirement about the input of data from returns	100	250
(5A)	A requirement about data entry quality	100	250
(6)	A requirement about processing returns when there are breaches of the Act and reporting regulation requirements	100	250
(7)	Information requirements	10	20
(8)	A requirement about receipt of quota management reports	100	250
<b>19</b>	<b>Catch limit information</b>		

		Number of demerit points	Additional demerit points for failure to rectify breach
<b>Descriptions of requirements of standards and specifications subject to demerit points</b>			
(1)	A requirement about keeping a general database of catch limits	35	100
(2)	General requirements for monitoring catch limits other than those for monthly/annual deemed value	35	100
(3)	A requirement about advising fishers of catch balance against catch limits	10	20
<b>20</b>	<b>Issuing of section 80 notifications</b>		
	A requirement about issuing section 80 notifications	100	250
<b>21</b>	<b>Amendments to catch balances</b>		
(1)	A requirement about action to be taken for late or amended catch returns	35	100
(2)	A requirement about the discretionary power to amend section 80 notifications	10	20
(3)	A requirement about correction of the register	35	100
(4)	A requirement about the effect of amendments/late returns or corrections to the register on permit prohibitions	10	20
<b>22</b>	<b>Review of section 80 notifications</b>		
	A requirement about processing applications for a review of a section 80 notification	35	100
<b>23</b>	<b>Over-fishing thresholds and tolerance levels</b>		
(1)	A requirement about identifying and actioning breaches of over-fishing thresholds	100	250
(2)	A requirement about information transfer	100	250
<b>23A</b>	<b>Revenue</b>		
	A requirement about payments received for service delivery agency or Ministry of Fisheries services	50	10
<b>24</b>	<b>Other failures attracting demerit points</b>		
(1)	A requirement to report a failure to comply with standards and specifications or with a direction given under section 296Q of the Act	250	750
(2)	A requirement in standards and specifications that is not covered elsewhere in this column	10	20
<b>25</b>	<b>Approved service delivery organisation debt recovery</b>		

<b>Descriptions of requirements of standards and specifications subject to demerit points</b>	<b>Number of demerit points</b>	<b>Additional demerit points for failure to rectify breach</b>
A requirement about placing or lifting sanctions as a result of approved service delivery organisation debt recovery action	35	100
Schedule 1 item 5(1): amended, on 2 October 2003, by regulation 4(1) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 9(6): added, on 2 October 2003, by regulation 4(2) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 10(4): amended, on 2 October 2003, by regulation 4(3)(a) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 10(4): amended, on 2 October 2003, by regulation 4(3)(b) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 10(4A): inserted, on 2 October 2003, by regulation 4(4) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 11(5): added, on 11 November 2004, by regulation 3(1) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2004 (SR 2004/357).		
Schedule 1 item 13(4): added, on 11 November 2004, by regulation 3(2) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2004 (SR 2004/357).		
Schedule 1 item 14(3): added, on 2 October 2003, by regulation 4(5) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 16(10): amended, on 1 October 2017, by regulation 13 of the Fisheries (Geospatial Position Reporting) Regulations 2017 (LI 2017/154).		
Schedule 1 item 18(1): amended, on 2 October 2003, by regulation 4(6) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 18(5A): inserted, on 2 October 2003, by regulation 4(7) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 18(8): added, on 2 October 2003, by regulation 4(8) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 23(2): added, on 2 October 2003, by regulation 4(9) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 23A: inserted, on 2 October 2003, by regulation 4(10) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230).		
Schedule 1 item 25: added, on 11 November 2004, by regulation 3(3) of the Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2004 (SR 2004/357).		

**Schedule 2**  
**Scale of civil penalties**

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<b>Accumulated demerit points</b>	<b>Civil penalty</b>
250–499	\$25 per point (\$6,250–\$12,475)
500–749	\$30 per point (\$15,000–\$22,470)
750–999	\$40 per point (\$30,000–\$39,960)
1 000–1 249	\$50 per point (\$50,000–\$62,450)
1 250–1 499	\$60 per point (\$75,000–\$89,940)
1 500–1 749	\$70 per point (\$105,000–\$122,430)
1 750–1 999	\$80 per point (\$140,000–\$159,920)
over 1 999	\$100 per point (\$199,900–\$500,000)

Martin Bell,  
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 20 September 2001.

## **Reprints notes**

### **1 *General***

This is a reprint of the Fisheries (Demerit Points and Civil Penalties) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **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***

Fisheries (Geospatial Position Reporting) Regulations 2017 (LI 2017/155): regulation 13

Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2004 (SR 2004/357)

Fisheries (Demerit Points and Civil Penalties) Amendment Regulations 2003 (SR 2003/230)