

FISHERIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Fisheries Act 1908.

Clause 1 relates to the Short Title and commencement of the Bill.

Clause 2 authorises the making of regulations regulating the processing of crayfish and ensuring that all edible parts of crayfish are fully utilised.

Clause 3 amends section 83 of the principal Act (which section empowers the making of regulations relating to freshwater fisheries) by increasing the penalty in respect of polluting rivers and streams with matter harmful to fish to a maximum of \$2,000.

Clause 4 repeals section 17 of the Fisheries Amendment Act 1963, which prohibits a person from landing crayfish at any port or place other than that specified in his fishing permit. This clause is to come into force on a date to be fixed by Order in Council.

Clause 5 adds a new section 13 to the Fisheries Amendment Act 1965 to empower the Minister of Marine to impose a levy, by notice in the *Gazette*, for the purpose of enabling him to enter into contracts for the removal of empty dredge oyster shells from fishing ports in New Zealand to oyster beds or to such other sites as may be determined by the Minister.

The levy is to be paid by the owners of fishing boats engaged in dredge oyster fishing in respect of dredge oysters landed from those boats at ports or places in New Zealand or at ports or places within such areas as may be specified in the *Gazette* notice. The rate of levy is not to exceed 1c for every dozen oysters landed. On becoming payable the amount of levy is to be recoverable as a debt due to the Crown. The levy will be paid into a special account and will be used to meet the cost of acquiring, collecting, removing, and depositing empty oyster shells as contemplated by the section.

Hon. Mr Scott

FISHERIES AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	4. Repeal of section restricting the landing of crayfish
2. Regulations relating to crayfish	5. Return of dredge oyster shells to sea
3. Regulations relating to the pollution of rivers, etc.	

A BILL INTITULED

An Act to amend the Fisheries Act 1908

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title and commencement—(1) This Act may be cited as the Fisheries Amendment Act 1969, and shall be read together with and deemed part of the Fisheries Act 1908* (hereinafter referred to as the principal Act).

10 (2) Section 4 of this Act shall come into force on a date to be fixed by the Governor-General by Order in Council.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on its passing.

2. Regulations relating to crayfish—Section 5 of the principal Act is hereby amended by inserting, after paragraph (m) in subsection (1), the following paragraph:

20 “(mm) Regulating the processing of crayfish for sale and ensuring that all edible parts of crayfish taken by any person are fully utilised and made available for human or animal consumption or for such other purposes as may be specified in the regulations.”

*Reprinted 1966, Vol. 3, p. 2321
Amendments: 1967, No. 49; 1968, No. 27

3. Regulations relating to the pollution of rivers, etc.—

(1) Section 83 of the principal Act (as substituted by section 11 (1) of the Fisheries Amendment Act 1948) is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Without limiting the power to make regulations under subsections (1) and (2) of this section, the Governor-General may from time to time, by Order in Council, make regulations for the following purposes:

“(a) For preventing the pollution of any river, stream, or waters by casting or allowing to flow into, or placing on or near the bank or margin of, any such river, stream, or waters sawdust or sawmill refuse, lime, sheep dip, flaxmill refuse, or any other matter or liquid poisonous or harmful to fish:

“Provided that the depositing of debris from any mining claim shall not be deemed to be pollution under any such regulations:

“(b) Prescribing offences for breaches of any such regulations, and prescribing—

“(i) A fine not exceeding \$2,000 in respect of any such offence; and

“(ii) In the case of a continuing offence, a further fine not exceeding \$20 for every day on which the offence has continued.”

(2) The said section 83 is hereby further amended by repealing paragraph (h) of subsection (2).

4. Repeal of section restricting the landing of crayfish—

Section 17 of the Fisheries Amendment Act 1963 is hereby repealed.

5. Return of dredge oyster shells to sea—The Fisheries Amendment Act 1965 is hereby amended by adding the following section:

“13. (1) Subject to the provisions of this section, the Minister may from time to time, by notice in the *Gazette*, impose a levy for the purposes of this section to be paid by the owners of fishing boats in respect of dredge oysters landed in New Zealand from those boats. The notice may provide for the levy to be payable by the owners of all fishing boats which land dredge oysters in New Zealand or by the owners of those boats which land their catch at ports or places within such areas as may be specified in the notice.

“(2) Every such notice shall specify the rate of levy, but in no case shall the rate exceed one cent for every dozen oysters landed.

5 “(3) The rate of levy shall be notified in the *Gazette* at least 14 days before it is to come into force.

“(4) The Minister may at any time vary or revoke any notice made under subsection (1) of this section.

10 “(5) Where any such levy has been imposed as aforesaid and any dredge oysters are landed from a fishing boat at any port or place to which any notice made under subsection (1) of this section applies, the owner of the boat shall pay to the Superintendent at the port or place at or nearest to which the oysters were landed the appropriate amount of levy, as assessed by the Superintendent, within 14 days of being notified in writing by him of the assessment, or within such
15 extended period as the Minister may allow.

“(6) On any levy becoming payable under subsection (5) of this section, the amount of the levy shall be recoverable as a debt due to the Crown.

20 “(7) The Minister may from time to time, to the extent that money is available in the special account established under subsection (8) of this section, enter into contracts with any suitable contractors for the purpose of having the empty shells of dredge oysters landed as aforesaid collected and
25 conveyed to and deposited on the beds from which they were taken or such other beds or sites as may be determined by the Minister. Every such contract shall be let by way of tender and shall specify the places or areas from which shells are to be collected and the beds or sites to which they are to be conveyed
30 for depositing. All shells shall, when collected by any such contractor, become the property of the Crown.

“(8) All money collected by way of levy under this section shall be paid into a special account at such bank as may be determined by the Minister and shall be applied by the
35 Minister in meeting the cost of acquiring, collecting, removing, conveying, and depositing empty oyster shells as contemplated by this section.”