

## FISHERIES (AGREEMENT WITH JAPAN) BILL

### EXPLANATORY NOTE

THE purpose of this Bill is to enable effect to be given to an agreement recently entered into (subject to ratification) between the Government of New Zealand and the Government of Japan relating to fishing by Japanese vessels in certain parts of the fishing zone of New Zealand. A copy of the agreement and the related documents has been laid before Parliament (see Parliamentary Paper No. A. 10).

The Agreement provides that Japanese vessels will not engage in fishing in the fishing zone of New Zealand, except that until 31 December 1970 Japanese vessels duly licensed by the Government of Japan pursuant to the Agreement may engage in bottom long-line fishing in the outer six miles of the zone around the whole of the North Island (including adjacent islands) and along the northern coast of the South Island (including adjacent islands) north of 41° 30' South latitude and east of 172° 30' East longitude, in effect, between Cape Farewell and slightly north of Cape Campbell.

*Clause 1* relates to the Short Title and commencement. The Act is to come into force on a date to be fixed by Order in Council.

*Clause 2* is an interpretation clause defining the following terms:

- (a) "The Agreement";
- (b) "Fishing zone of New Zealand", which is given the same meaning as in section 8 of the Territorial Sea and Fishing Zone Act 1965.
- (c) "Island". This is defined as including a low-tide elevation, which under the above-mentioned Act is an island for the purpose of measuring the breadth of the territorial sea of New Zealand.
- (d) "Specified area", which is the part of the fishing zone of New Zealand in which fishing by certain Japanese vessels will be permitted for a limited period.

*Clause 3* makes it lawful for a vessel registered in Japan and any small boat carried by it to be used in fishing in the specified area if the following conditions are complied with:

- (a) A licence issued by the Government of Japan pursuant to the Agreement must be in force authorising that vessel to be used in fishing in the specified area; and
- (b) Only the bottom long-line method of fishing may be used.

*Subclause (2)* provides that where any small boat carried by a Japanese vessel is used in fishing, that vessel will also be deemed to be used in fishing at the time and place where the small boat is so used and fish taken by the small boat shall be deemed to be taken by that vessel also.

*Clause 4: Subclause (1)* provides that in proceedings for an offence against Part I of the Fisheries Amendment Act 1963 alleged to have been committed in the specified area by the master or any member of the crew of a Japanese vessel or of any small boat carried by a Japanese vessel, the onus of proving the existence of a licence issued by the Government of Japan pursuant to the Agreement authorising that vessel to be used in that area shall lie on the defendant.

*Subclause (2)* provides that if in any such proceedings any question arises as to whether or not a licence has been issued by the Government of Japan pursuant to the Agreement, a certificate by the Minister of External Affairs in relation to that question will be conclusive evidence thereof.

*Clause 5* provides that the Act will continue in force until 1 January 1971, and will then expire.

---

*Right Hon. Mr Holyoake*

## FISHERIES (AGREEMENT WITH JAPAN)

---

### ANALYSIS

Title	3. Fishing by Japanese vessels in specified area
1. Short Title and commencement	4. Evidence in proceedings
2. Interpretation	5. Duration of Act

---

### A BILL INTITULED

An Act to give effect to the Agreement on Fisheries between  
New Zealand and Japan by making temporary provision  
with respect to fishing in part of the fishing zone of New  
5 Zealand by vessels registered in Japan

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

10 **1. Short Title and commencement**—(1) This Act may be  
cited as the Fisheries (Agreement with Japan) Act 1967.

(2) This Act shall come into force on a date to be fixed  
for the commencement thereof by the Governor-General, by  
Order in Council.

15 **2. Interpretation**—In this Act, unless the context otherwise  
requires,—

20 “The Agreement” means the Agreement on Fisheries  
between New Zealand and Japan (including the  
related documents) signed at Wellington on the  
twelfth day of July, nineteen hundred and sixty-  
seven, a copy of which has been laid before Parlia-  
ment as Parliamentary Paper No. A. 10:

“Fishing zone of New Zealand” means the fishing zone of New Zealand as defined in section 8 of the Territorial Sea and Fishing Zone Act 1965:

“Island” includes a low-tide elevation that is an island for the purposes of section 5 of that Act: 5

“Specified area” means the following parts of the fishing zone of New Zealand:

(a) So much of that zone adjacent to the North Island (including islands adjacent to the North Island) as lies on the seaward side of a line every point of which is distant six international nautical miles measured seaward from the nearest point of the baseline from which the outer limits of the territorial sea of New Zealand are measured; and 10

(b) So much of that zone adjacent to the coast of the South Island north of the degree of latitude 41 degrees 30 minutes South and east of the meridian of longitude 172 degrees 30 minutes East (including islands adjacent to that part of the coast of the South Island) as lies on the seaward side of a line every point of which is distant six international nautical miles measured seaward from the nearest point of the baseline from which the outer limits of the territorial sea of New Zealand are measured. 15 20

**3. Fishing by Japanese vessels in specified area—**(1) While this Act continues in force, nothing in Part I of the Fisheries Amendment Act 1963 shall make it unlawful for any vessel registered in Japan, or any small boat carried by and used in conjunction with any such vessel, to be used in fishing in the specified area, if the following conditions are complied with: 25 30

(a) A licence issued by the Government of Japan pursuant to the Agreement must be in force authorising that vessel to be used in fishing in the specified area; and 35

(b) Fish shall not be taken by any method other than by bottom long-line fishing.

(2) Where any small boat carried by and used in conjunction with any vessel registered in Japan is used in fishing, then, for the purposes of this section that vessel shall also be deemed to be used in fishing at the time and place where that small boat is so used, and fish taken by the small boat shall be deemed to be taken by that vessel also. 40

- 4. Evidence in proceedings—**(1) In proceedings for an offence against any provision of Part I of the Fisheries Amendment Act 1963 alleged to have been committed in the specified area by the master or any member of the crew of any vessel registered in Japan or of any small boat carried by and used in conjunction with any such vessel, proof that a licence issued by the Government of Japan pursuant to the Agreement was in force authorising that vessel to be used in fishing in the specified area shall lie on the defendant.
- 10 (2) Where in any such proceedings any question arises as to whether or not a licence has been issued by the Government of Japan pursuant to the Agreement, a certificate in relation thereto signed by the Minister of External Affairs shall be conclusive evidence of the matters stated in the
- 15 certificate.

**5. Duration of Act—**This Act shall continue in force until the first day of January, nineteen hundred and seventy-one, and shall then expire.