

MINISTRY OF AGRICULTURE AND FISHERIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides that the Department of Agriculture is to be called the Ministry of Agriculture and Fisheries, and transfers to that Ministry the functions of the Marine Department in respect of fisheries, fisheries research, whaling, marine farming, and marine reserves.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on 1 September 1972.

Clause 2 alters the Short Title of the principal Act to "the Ministry of Agriculture and Fisheries Act 1953", and consequentially amends the Short Titles of the 1962 and 1964 Amendments of that Act and references to the principal Act in other Acts.

Clause 3 provides that the present Department of Agriculture is to be known as the Ministry of Agriculture and Fisheries, and makes consequential changes in the designations of the Minister of Agriculture and the Director-General of Agriculture and consequential amendments to the principal Act and other Acts.

Clause 4 re-enacts the Schedule to the principal Act, which lists Acts that are administered in the present Department of Agriculture. The new Schedule includes the following Acts at present being administered in the Marine Department:

The Fisheries Act 1908.
The Fishing Industry Board Act 1963.
The Marine Farming Act 1971.
The Marine Reserves Act 1971.
The Whaling Industry Act 1935.

In addition, it has been found that the present Schedule is incomplete, and the new Schedule includes several other Acts that are at present administered in the Department of Agriculture but are not referred to in the present Schedule.

Clause 5: Subclause (1) amends the provisions of section 4 of the principal Act (relating to the principal functions of the Department) to include the promotion and encouragement of the development of the fishing industry and the promotion and encouragement of the marketing and sale of the products of that industry.

Subclause (2) is a consequential amendment of section 11 (1) of the principal Act (relating to the powers of the Minister).

Clause 6 consequentially amends the enactments specified in the Second Schedule to the Bill.

The effect of *subclause (4)* is that so much of the amount appropriated to VOTE MARINE for the present year as relates to Programme III of that vote in this year's Estimates and has not been expended before the commencement of the Act may be expended by the Ministry of Agriculture and Fisheries for the purposes of that programme.

Clause 7 provides for consequential repeals.

Hon. Mr Carter

**MINISTRY OF AGRICULTURE AND FISHERIES
AMENDMENT**

ANALYSIS

Title	4. Acts administered in Department
1. Short Title and commencement	5. Principal functions of Department
2. Altering Short Titles of principal Act and amending Acts	6. Consequential amendments
3. Ministry of Agriculture and Fisheries	7. Repeals Schedules

A BILL INTITULED

An Act to amend the Department of Agriculture Act 1953

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 Ministry of Agriculture and Fisheries Amendment Act 1972, and shall be read together with and deemed part of the Act heretofore known as the Department of
10 Agriculture Act 1953* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of September 1972.

*1957 Reprint, Vol. 3, p. 901
Amendments: 1962, No. 63; 1964, No. 83

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2. Altering Short Titles of principal Act and amending Acts—(1) The principal Act may hereafter be cited as the Ministry of Agriculture and Fisheries Act 1953.

(2) The Short Title of the principal Act and the Short Titles of— 5

(a) The Department of Agriculture Amendment Act 1962:

(b) The Department of Agriculture Amendment Act 1964—

are hereby consequentially amended, in each case, by omitting the words “Department of Agriculture”, and substituting the words “Ministry of Agriculture and Fisheries”. 10

(3) Every reference in any enactment to any of the said Acts is hereby consequentially amended by omitting the words “Department of Agriculture”, and substituting the words “Ministry of Agriculture and Fisheries”. 15

3. Ministry of Agriculture and Fisheries—(1) The principal Act is hereby further amended by repealing section 3, and substituting the following section:

“3. (1) There shall be a Department of State to be known as the Ministry of Agriculture and Fisheries, which shall be the same Department as the Department of Agriculture existing at the commencement of this section. 20

“(2) The Department shall, under the control of the Minister, be charged with the administration of the Acts specified in the Schedule to this Act and with such other functions as may be lawfully conferred on it.” 25

(2) Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “Department”, “Director-General”, and “Minister”, and substituting the following definitions: 30

“‘Department’ means the Ministry of Agriculture and Fisheries constituted under this Act:

“‘Director-General’ means the Director-General of Agriculture and Fisheries appointed under this Act:

“‘Minister’ means the Minister of Agriculture and Fisheries.” 35

(3) The principal Act is hereby further amended—

(a) By omitting from the Title the words “Department of Agriculture”, and substituting the words “Ministry of Agriculture and Fisheries”: 40

(b) By inserting in section 5, after the words “Director-General of Agriculture”, the words “and Fisheries”:

- (c) By omitting from section 5 the words "Department of Agriculture", and substituting the word "Department":
- 25 (d) By omitting from paragraph (g) of subsection (1) of section 11 the words "of Agriculture".
- (4) The State Services Act 1962 is hereby amended—
- (a) By omitting from the Second Schedule the words "Department of Agriculture", and substituting the words "Ministry of Agriculture and Fisheries":
- 10 (b) By omitting from the Third Schedule the word "Agriculture", and substituting the words "Agriculture and Fisheries".
- (5) The Parliamentary Commissioner (Ombudsman) Act 1962 is hereby amended—
- 15 (a) By omitting from Part I of the Schedule the words "The Department of Agriculture":
- (b) By inserting in the same Part, after the words "The Mines Department", the words "The Ministry of Agriculture and Fisheries".
- 20 (6) Unless the context otherwise requires, every reference in any enactment in force at the commencement of this Act (other than an enactment specified in the foregoing provisions of this section), or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence,
- 25 or other document whatsoever in force at the commencement of this Act—
- (a) To the Minister of Agriculture shall, after the commencement of this Act, be read as a reference to the Minister of Agriculture and Fisheries:
- 30 (b) To the Department of Agriculture shall, after the commencement of this Act, be read as a reference to the Ministry of Agriculture and Fisheries:
- (c) To the Director-General of Agriculture shall, after the commencement of this Act, be read as a reference
- 35 to the Director-General of Agriculture and Fisheries.
- (7) Every act of authority done by the Minister of Agriculture or the Director-General of Agriculture pursuant to any Act, regulation, rule, order, notice, or other authority, and subsisting at the commencement of this Act, shall continue and
- 40 have effect after the commencement of this Act as if, in the case of an act done by the Minister of Agriculture, it had been done by the Minister of Agriculture and Fisheries and, in the case of an act done by the Director-General of Agriculture, it had been done by the Director-General of Agriculture and
- 45 Fisheries.

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(8) The person holding office at the commencement of this Act as Director-General of Agriculture shall be deemed to have been appointed as Director-General of Agriculture and Fisheries.

(9) All other persons who at the commencement of this Act are officers or employees of the Department of Agriculture and have been so appointed under the Public Service Act 1912 or the State Services Act 1962 shall be deemed to have been so appointed as officers or employees of the Ministry of Agriculture and Fisheries.

4. Acts administered in Department—(1) The principal Act is hereby further amended by repealing the Schedule, and substituting the Schedule set out in the First Schedule to this Act.

(2) The following enactments are hereby consequentially repealed:

(a) Subsection (2) of section 7 of the Vegetables Levy Act 1957:

(b) Section 32 of the Agricultural Chemicals Act 1959:

(c) Section 19 of the Berryfruit Levy Act 1967:

(d) Subsection (1) of section 108 of the Animals Act 1967:

(e) Subsection (2) of section 68 of the Animal Remedies Act 1967:

(f) Subsection (4) of section 32 of the Plants Act 1970.

5. Principal functions of Department—(1) Section 4 of the principal Act is hereby amended by omitting from paragraph (a) the words “and horticultural”, and substituting the words “horticultural, and fishing”.

(2) Section 11 of the principal Act is hereby amended by omitting from paragraph (i) of subsection (1) the words “or horticultural”, and substituting the words “horticultural, or fisheries”.

6. Consequential amendments—(1) The enactments specified in the Second Schedule to this Act are hereby amended in the manner specified in that Schedule.

(2) Unless the context otherwise requires, every reference in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the commencement of this Act and made or given under or for the purposes of the Fisheries Act 1908, the Whaling Industry Act 1935, the Fishing Industry Board Act 1963, the Marine Farming Act 1971, or the Marine Reserves Act 1971—

- (a) To the Minister of Marine shall, after the commencement of this Act, be read as a reference to the Minister of Agriculture and Fisheries:
- 5 (b) To the Marine Department shall, after the commencement of this Act, be read as a reference to the Ministry of Agriculture and Fisheries:
- (c) To the Secretary for Marine shall, after the commencement of this Act, be read as a reference to the Director-General of Agriculture and Fisheries:
- 10 (d) To a Superintendent of Mercantile Marine shall, after the commencement of this Act, be read as a reference to the Director-General of Agriculture and Fisheries.
- (3) Every act of authority done by the Minister of Marine or the Secretary for Marine or a Superintendent of Mercantile Marine or the Marine Department pursuant to the Fisheries Act 1908, the Whaling Industry Act 1935, the Fishing Industry Board Act 1963, the Marine Farming Act 1971, or the Marine Reserves Act 1971, or to any regulation, rule, order, notice, or other authority under any of those Acts, and subsisting at the commencement of this Act, shall continue in force and have effect after the commencement of this Act as if, in the case of an act done by the Minister of Marine, it had been done by the Minister of Agriculture and Fisheries, and, in the case of an act done by the Secretary for Marine or a Superintendent of Mercantile Marine or the Marine Department, it had been done by the Director-General of Agriculture and Fisheries.
- 20 (4) So much of the amount appropriated by any Appropriation Act to the services of VOTE MARINE for the year ending with the 31st day of March 1973 as relates to Programme III of that vote in the Estimates of Expenditure for that year and remains unexpended at the commencement of this Act may be expended by the Ministry of Agriculture and Fisheries to defray the expenses of that programme.
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7. Repeals—The following enactments are hereby repealed:

- (a) Section 2 of the Fisheries Amendment Act 1923:
- (b) Paragraph (c) of section 9 of the Fisheries Amendment Act 1948:
- 40 (c) Subsection (6) of section 2 of the Fisheries Amendment Act 1959:
- (d) Section 45 of the Marine Farming Act 1971.
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SCHEDULES

Section 4 (1)

FIRST SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL ACT

“FIRST SCHEDULE

ACTS ADMINISTERED BY MINISTRY OF AGRICULTURE AND FISHERIES

The Agricultural and Pastoral Societies Act 1908.
The Agricultural Chemicals Act 1959.
The Agricultural Pests Destruction Act 1967.
The Agriculture (Emergency Powers) Act 1934.
The Animals Act 1967.
The Animals Protection Act 1960.
The Animal Remedies Act 1967.
The Apple and Pear Marketing Act 1971.
The Apiaries Act 1969.
The Berryfruit Levy Act 1967.
The Dairy Board Act 1961.
The Dairy Industry Act 1952.
The Fertilisers Act 1960.
The Fisheries Act 1908.
The Fishing Industry Board Act 1963.
The Hydatids Act 1968.
The Margarine Act 1908.
The Marine Farming Act 1971.
The Marine Reserves Act 1971.
The Marketing Act 1936.
The Meat Act 1964.
The Meat Export Control Act 1921-22.
The Meat Export Prices Act 1955.
The Milk Act 1967.
The Nassella Tussock Act 1946.
The Noxious Weeds Act 1950.
The Orchard Levy Act 1953.
The Plants Act 1970.
The Potato Growing Industry Act 1950.
The Poultry Act 1968.
The Poultry Runs Registration Act 1933.
The Primary Products Marketing Act 1953.
The Royal New Zealand Institute of Horticulture Act 1953.
The Stock Foods Act 1946.
The Vegetables Levy Act 1957.
The Veterinary Services Act 1946.
The Veterinary Surgeons Act 1956.
The Wairarapa Cadet Training Farm Act 1969.
The Whaling Industry Act 1935.
The Wool Industry Act 1944.
The Wool Labelling Act 1949.
The Wool Testing Authority Act 1964.”

Ministry of Agriculture and Fisheries Amendment 7

SECOND SCHEDULE

Section 6 (1)

ENACTMENTS AMENDED

Enactment	Amendment
<p>1908, No. 65—The Fisheries Act 1908 (Reprinted 1966, Vol. 3, p. 2321)</p>	<p>By inserting in section 2 (1), after the definition of the term “cured”, the following definitions:</p> <p style="padding-left: 40px;">“‘Department’ means the Ministry of Agriculture and Fisheries established under the Ministry of Agriculture and Fisheries Act 1953:</p> <p style="padding-left: 40px;">“‘Director-General’ means the Director-General of Agriculture and Fisheries appointed under the Ministry of Agriculture and Fisheries Act 1953:”.</p> <p>By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definition:</p> <p style="padding-left: 40px;">“‘Minister’ means the Minister of Agriculture and Fisheries:”.</p> <p>By repealing the definitions in section 2 (1) of the terms “Secretary for Marine” (as inserted by section 2 (2) of the Fisheries Amendment Act 1959) and “Superintendent” (as inserted by section 2 of the Fisheries Amendment Act 1923).</p> <p>By omitting from section 3B (7) (as inserted by section 3 (1) of the Fisheries Amendment Act 1971) the words “no Superintendent shall”, and substituting the words “the Director-General shall not”.</p> <p>By omitting from subsections (4), (5), and (6) of section 4 (as substituted by section 3 of the Fisheries Amendment Act 1967), the words “Secretary for Marine”, and substituting in each case the word “Director-General”.</p> <p>By adding to paragraph (rr) of section 5 (1) (as inserted by section 2 (2) of the Fisheries Amendment Act 1964) the words “and providing for consultation with the Secretary for Transport before any such authorisation is granted”.</p> <p>By omitting from section 45A (as inserted by the Fisheries Amendment Act 1959) the words “Secretary for Marine” and the word “Secretary”, and substituting in each case the word “Director-General”.</p>

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SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1908, No. 65—The Fisheries Act 1908—<i>continued</i></p>	<p>By omitting from paragraph (d) of section 77 (1) (as added by section 10 of the Fisheries Amendment Act 1967) the words "Secretary for Marine" wherever they occur, and substituting in each case the word "Director-General".</p> <p>By inserting in section 78 (1), after the definition of the term "acclimatisation society" (as inserted by section 9 (a) of the Fisheries Amendment Act 1948), the following definition:</p> <p style="padding-left: 40px;">"Director-General' means the Director-General of Agriculture and Fisheries appointed under the Ministry of Agriculture and Fisheries Act 1953:".</p> <p>By repealing the definition of the term "Minister" in section 78 (1) (as inserted by section 9 (c) of the Fisheries Amendment Act 1948), and substituting the following definition:</p> <p style="padding-left: 40px;">"Minister' means the Minister of Agriculture and Fisheries:".</p> <p>By repealing the definition of the term "Secretary for Marine" in section 78 (1) (as inserted by section 2 (6) of the Fisheries Amendment Act 1959).</p> <p>By omitting from subsections (3), (4), and (5) of section 79 (as substituted by section 14 (1) of the Fisheries Amendment Act 1967) the words "Secretary for Marine", and substituting in each case the word "Director-General".</p> <p>By omitting from paragraph (dd) of section 83 (2) (as inserted by section 5 of the Fisheries Amendment Act (No. 2) 1969) the words "Secretary for Marine", and substituting the word "Director-General".</p> <p>By omitting from subsections (1) and (3) of section 85 (as substituted by section 21 (1) of the Fisheries Amendment Act 1968) the words "Secretary for Marine", and substituting in each case the word "Director-General".</p>
<p>1935, No. 12—The Whaling Industry Act 1935 (1957 Reprint, Vol. 16, p. 657)</p>	<p>By repealing the definition of the term "Minister" in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">"Minister' means the Minister of Agriculture and Fisheries:".</p>

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SECOND SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1959, No. 8—The Fisheries Amendment Act 1959 (Reprinted 1966, Vol. 3, p. 2390)	<p>By omitting from section 9 the words “Secretary for Marine” wherever they occur, and substituting in each case the word “Director-General”.</p> <p>By omitting from section 9 (8) the words “Minister of Marine”, and substituting the word “Minister”.</p>
1963, No. 69—The Fisheries Amendment Act 1963 (Reprinted 1966, Vol. 3, p. 2391)	<p>By omitting from the definition of the term “prescribed form” in section 3 (1) the words “Secretary for Marine”, and substituting the word “Director-General”.</p> <p>By omitting from sections 6 (2), 7, 8 (1), 9, 10 (1), 14, and 16 (1) the word “Superintendent” wherever it occurs, and substituting in each case the word “Director-General”.</p> <p>By inserting in section 8 (1), after the words “Surveyor of Ships” the words “appointed under the Shipping and Seamen Act 1952”.</p> <p>By repealing the definition of the term “Superintendent” in section 10A (as inserted by section 8 (1) of the Fisheries Amendment Act (No. 2) 1969).</p> <p>By omitting from subsections (2), (5), (6), and (10) of the said section 10A the word “Superintendent” wherever it occurs, and substituting in each case the word “Director-General”.</p> <p>By repealing subsection (9) of the said section 10A, and substituting the following subsection: “(9) Where an authorised officer of the Department issues any permit under this section, he shall notify in writing to the Director-General the name and registration number of the boat in respect of which the permit was issued and the name and address of the owner of that boat.”</p> <p>By repealing subsection (11) of the said section 10A and substituting the following subsection: “(11) Where it comes to the knowledge of any officer of the Department who is authorised to issue permits under this section that any such permit is cancelled or deemed to be cancelled, he shall send particulars of the cancellation to the Director-General.”</p>

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SECOND SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1963, No. 69—The Fisheries Amendment Act 1963— <i>continued</i>	<p>By omitting from section 11 (1) the word “Superintendent” where it first occurs, and substituting the words “Director-General or an authorised officer of the Department”.</p> <p>By omitting from section 11 (1) the word “Superintendent” where it secondly occurs, and substituting the word “Director-General”.</p> <p>By omitting from section 11 (4) (b) the word “Superintendent”, and substituting the word “Director-General”.</p> <p>By omitting from section 18B (as inserted by section 12 of the Fisheries Amendment Act 1967) the words “Secretary for Marine or an Assistant Secretary for Marine”, and substituting the word “Director-General”.</p>
1963, No. 70—The Fishing Industry Board Act 1963	<p>By inserting in section 2, after the definition of the term “Board”, the following definition:</p> <p style="padding-left: 40px;">“‘Department’ means the Ministry of Agriculture and Fisheries established under the Ministry of Agriculture and Fisheries Act 1953.”</p> <p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">“‘Minister’ means the Minister of Agriculture and Fisheries”.</p>
1965, No. 132—The Fisheries Amendment Act 1965 (Reprinted 1966, Vol. 3, p. 2393)	<p>By omitting from section 28 the words “Marine Department” wherever they occur, and substituting in each case the word “Department”.</p> <p>By omitting from section 6 the words “Marine Department”, and substituting the word “Department”.</p> <p>By omitting from section 12A (5) (as inserted by section 5 of the Fisheries Amendment Act 1969) the words “Superintendent at the port or place at or nearest to which the oysters were landed” and also the word “Superintendent” where it secondly occurs, and substituting in each case the words “Director-General or an authorised officer of the Department”.</p>

Ministry of Agriculture and Fisheries Amendment 11

SECOND SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1971, No. 15—The Marine Reserves Act 1971</p>	<p>By inserting in section 2, after the definition of the term “area”, the following definitions:</p> <p>“ ‘Department’ means the Ministry of Agriculture and Fisheries established under the Ministry of Agriculture and Fisheries Act 1953:</p> <p>“ ‘Director-General’ means the Director-General of Agriculture and Fisheries appointed under the Ministry of Agriculture and Fisheries Act 1953.”.</p> <p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition:</p> <p>“ ‘Minister’ means the Minister of Agriculture and Fisheries:”.</p> <p>By repealing the definition of the term “Secretary for Marine” in section 2.</p> <p>By omitting from subsections (3) and (5) of section 4 the words “Minister of Marine”, and substituting in each case the words “Minister of Agriculture and Fisheries”.</p> <p>By adding to paragraph (d) of section 5 (1) the following subparagraph:</p> <p>“ (iv) The Secretary for Transport.”</p> <p>By omitting from sections 5, 12, 17, and 22 the words “Secretary for Marine” wherever they occur, and substituting in each case the word “Director-General”.</p> <p>By omitting from sections 5 (2) and 7 (2) (a) the words “Marine Department”, and substituting in each case the word “Department”.</p> <p>By omitting from section 5 (9) the words “he shall recommend”, and substituting the words “he shall, if the Minister of Transport concurs, recommend”.</p> <p>By repealing section 11, and substituting the following section:</p> <p>“11. Appointment of secretary to a management committee—An employee of the Department may from time to time be appointed as secretary to any management committee.”</p>

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SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1971, No. 15—The Marine Reserves Act 1971— <i>continued</i>	By adding to section 22 the following additional proviso: “Provided also that the Director-General shall act under this section only with the concurrence of the Secretary for Transport.”
1971, No. 29—The Marine Farming Act 1971	By inserting in section 2 (1), after the definition of the term “controlling authority”, the following definitions: “ ‘Department’ means the Ministry of Agriculture and Fisheries established under the Ministry of Agriculture and Fisheries Act 1953: “ ‘Director-General’ means the Director-General of Agriculture and Fisheries appointed under the Ministry of Agriculture and Fisheries Act 1953:” By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definition: “ ‘Minister’ means the Minister of Agriculture and Fisheries:” By repealing the definition of the term “Secretary” in section 2 (1). By omitting from section 3 (1) the words “The controlling authority (subject, in the case of a controlling authority other than the Minister, to the prior consent of the Minister)”, and substituting the words “Subject to subsection (5) of this section, the controlling authority”. By omitting from section 3 (3) the words “the controlling authority (subject, in the case of a controlling authority other than the Minister, to the prior consent of the Minister),” and substituting the words “but subject to subsection (5) of this section, the controlling authority”. By adding to section 3 the following subsection: “(5) The controlling authority shall not grant a lease or licence under this section— “(a) Where the Minister of Agriculture and Fisheries is the controlling authority, except with the concurrence of the Minister of Transport:

Ministry of Agriculture and Fisheries Amendment 13

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1971, No. 29—The Marine Farming Act 1971— <i>continued</i>	<p>“(b) Where the Minister of Agriculture and Fisheries is not the controlling authority, except with prior consent of that Minister given with the concurrence of the Minister of Transport.”</p> <p>By omitting from sections 5, 6 (4), 7 (2), 10 (4), 13, 15, 17, 18, 20, 21 (3), 23, 25 (5), subsections (1) and (5) of section 28, and sections 29, 41, 43, and 46 (5), the word “Secretary” wherever it occurs, and substituting in each case the word “Director-General”.</p> <p>By adding to section 5 (2) (a) the words “who shall forthwith forward a copy of the application to the Secretary for Transport”.</p> <p>By adding to section 6 (3) the following paragraph: “(f) The Secretary for Transport.”</p> <p>By omitting from section 13 (2) the words “At any time before the expiration of any lease, the controlling authority (subject, in the case of a controlling authority other than the Minister, to the prior consent of the Minister)”, and substituting the words “Subject to subsection (9) of this section, at any time before the expiration of the lease the controlling authority”.</p> <p>By omitting from section 13 (4) the words “At any time before the expiration of any licence, the controlling authority (subject, in the case of a controlling authority other than the Minister, to the prior consent of the Minister)”, and substituting the words “Subject to subsection (9) of this section, at any time before the expiration of any licence the controlling authority”.</p> <p>By inserting in section 13 (5), after paragraph (c), the following paragraph: “(ca) The Secretary for Transport:”.</p> <p>By adding to section 13 the following subsection:</p>

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SECOND SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1971, No. 29—The Marine Farming Act 1971— <i>continued</i>	<p>“(9) The controlling authority shall not grant an extension of the term of a lease or licence under this section—</p> <p>“(a) Where the Minister of Agriculture and Fisheries is the controlling authority, except with the concurrence of the Minister of Transport:</p> <p>“(b) Where the Minister of Agriculture and Fisheries is not the controlling authority, except with the prior consent of that Minister given with the concurrence of the Minister of Transport.”</p> <p>By omitting from sections 15 and 17 (1) the words “Marine Department”, and substituting in each case the word “Department”.</p> <p>By repealing section 19, and substituting the following section:</p> <p>“19. Evidence of entries, etc.—(1) A certificate purporting to be signed by the Director-General or by an authorised officer of the Department certifying that any entry which the Director-General is authorised by or under this Act to make has or has not been made, or that any other thing has or has not been done, shall, in the absence of proof to the contrary, be evidence of the matters so certified.</p> <p>“(2) A copy of any entry in any of the registers kept under section 15 of this Act or of any lease or licence or any other instrument or document issued or registered under this Act, or an extract from any such register, instrument, or document, purporting to be certified by the Director-General or by an authorised officer of the Department, shall be admitted in evidence without further proof and without production of the original.”</p> <p>By omitting from section 20 the words “and sealed with the seal of the Marine Department”, and substituting the words “or by an authorised officer of the Department”.</p>

Ministry of Agriculture and Fisheries Amendment 15

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1971, No. 29—The Marine Farming Act 1971— <i>continued</i>	<p>By inserting in section 22 (2), after paragraph (c), the following paragraph: “(ca) The Secretary for Transport:”.</p> <p>By repealing section 28 (3), and substituting the following subsection: “(3) The controlling authority shall not grant the application— “(a) Where the Minister of Agriculture and Fisheries is the controlling authority, except with the concurrence of the Minister of Transport: “(b) Where the Minister of Agriculture and Fisheries is not the controlling authority, except with the prior consent of that Minister given with the concurrence of the Minister of Transport.”</p> <p>By omitting from section 28 (4) the words “(subject, in the case of a controlling authority other than the Minister, to the prior consent of the Minister)”, and substituting the words “(subject to subsection (3) of this section)”.</p> <p>By omitting from section 28 (4) the words “the Minister and notified to the licensee by the Secretary, whether or not the Minister is the controlling authority. The licensee shall, not later than the first publication of the notice, send a copy of it by registered post to the Secretary and also where the Minister”, and substituting the words “the Minister with the concurrence of the Minister of Transport and notified to the licensee by the Director-General, whether or not the Minister of Agriculture and Fisheries is the controlling authority. The licensee shall, not later than the first publication of the notice, send a copy of it by registered post to the Director-General and also, where the Minister of Agriculture and Fisheries”.</p>

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SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1971, No. 29—The Marine Farming Act 1971—<i>continued</i></p>	<p>By omitting from section 28 (5) the words “(subject, in the case of a controlling authority other than the Minister, to the consent of the Minister)”, and substituting the words “(subject, where the Minister of Agriculture and Fisheries is the controlling authority, to the concurrence of the Minister of Transport, and, where the Minister of Agriculture and Fisheries is not the controlling authority, to the consent of the Minister of Agriculture and Fisheries given with the concurrence of the Minister of Transport)”.</p> <p>By inserting in section 29 (3), after paragraph (a), the following paragraph: “(aa) To the Secretary for Transport:”.</p> <p>By omitting from section 30 (2) the words “Marine Department at Wellington a plan in duplicate of the proposed work prepared to the satisfaction of the Secretary”, and substituting the words “Ministry of Transport at Wellington a plan in duplicate of the proposed work prepared to the satisfaction of the Secretary for Transport, and shall at the same time forward a copy of the plan to the head office of the Ministry of Agriculture and Fisheries at Wellington”.</p> <p>By omitting from section 31 (2) the words “Marine Department in Wellington a plan in duplicate of the raft or proposed raft prepared to the satisfaction of the Secretary”, and substituting the words “Ministry of Transport at Wellington a plan in duplicate of the raft or proposed raft prepared to the satisfaction of the Secretary for Transport, and shall at the same time forward a copy of the plan to the head office of the Ministry of Agriculture and Fisheries at Wellington”.</p> <p>By omitting from section 31 (2) the word “Secretary” where it secondly occurs, and substituting the word “Director-General”.</p> <p>By omitting from section 47 (1) the words “Minister of Marine”, and substituting the words “Minister of Agriculture and Fisheries and the Minister of Transport”</p>