

## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 15 July 1986

## FISHERIES AMENDMENT BILL

*Proposed Amendments*

Hon. COLIN MOYLE, in Committee, to move the following amendments:

*New clause 2A:* To insert, after clause 2, at line 28 on page 4, the following clause:

**2A. Act to bind Crown**—The principal Act is hereby amended by inserting, after section 2, the following section:  
“2A. This Act shall bind the Crown.”

*Clause 7; Section 28E (2):* To add at line 8 on page 12 the following words:

or such longer period as the Director-General considers appropriate for special reasons relating to any particular case

*Section 28O (2):* To omit from lines 35 to 37 on page 19 the following words:

and shall in total be equivalent to the total allowable catch for the quota management area in respect of the species or class of fish.

*Section 28T (3):* To insert at line 30 on page 24, after the word “Act,” the following words:

or where the individual transferable quotas allocated under that section for any quota management area in respect of any species or class of fish is less than the appropriate total allowable catch,

To insert in *paragraph (a)*, at line 37 on page 24, after the word “increased” the following words:

or unallocated portion of the total allowable catch as individual transferable

To insert in *paragraph (b)*, at line 5 on page 25, after the word “increased” the words “or unallocated”.

To omit from *paragraph (c)*, at line 7 on page 25, the words “quotas to the Crown which”, and substitute the words “increased or unallocated portion of the total allowable catch to the Crown as individual transferable quotas, and in any such case the Crown”.

To insert in *paragraph (d)*, at line 11 on page 25, after the word “increased” the words “or unallocated”.

*Section 28t (5)*: To add at line 34 on page 25 the words:

; and in considering whether or not to accept any tender may consider such matters as the Director-General considers relevant including any difference in operating costs of foreign owned New Zealand fishing vessels and other New Zealand fishing vessels.

*Section 28zc (2)*: To omit from line 26 on page 34 the word "half", and substitute the words "the difference between".

To insert in line 29 on page 34, after the word "Act", the words "and the lower of those rates".

*Clause 11; section 57 (5)*: To omit from line 11 on page 37 the word "less", and substitute the word "more".

*Section 67A*: To insert at line 39 on page 46 the following subsection:

"(2A) Nothing in subsection (2) of this section shall apply in respect of any fish purchased or acquired before the 1st day of October 1986 or any fish that came into the possession of the person before that date.

*Section 67c (2) (e)*: To omit from line 42 on page 47 the word "than", and substitute the word "that".

*Clause 25*: To add to *section 107c (5)*, at line 21 on page 67, the following paragraph:

"(c) The resource rentals payable in respect of any fish that are to be taken using a foreign owned New Zealand fishing vessel.

To add to the proposed *section 107c (7) (b)*, at line 35 on page 67, the following words:

; including any difference in operating costs of foreign owned New Zealand fishing vessels and other New Zealand fishing vessels:

To insert, after the proposed *section 107c*, at the foot of page 67, the following section:

**"107H. Resource rentals to be paid to Fisheries Fund—**  
The resource rentals payable under **sections 28t (7), 28zc, and 107f** of this Act shall be collected by the Ministry and paid into the Fisheries Fund (being a revolving fund to which section 52A of the Public Finance Act 1977 applies)."

*New clause 27A*: To insert, after clause 27, at line 36 on page 68, the following clause:

**27A. Amendment to Public Finance Act 1977—**The Public Finance Act 1977 is hereby amended by adding to the Fifth Schedule the following item:

"Ministry of Agriculture and Fisheries	Fisheries Fund	Management of and research into New Zealand fisheries"
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*Third Schedule*: To omit from the second column on page 72, in relation to scallops, the expression "\$50", and substitute the expression "\$250".

## EXPLANATORY NOTE

*New clause 2A:* The effect of this clause is that the Fisheries Act 1983 will bind the Crown.

*Clause 7; Section 28E:* This amendment allows the Director-General to allocate provisional maximum individual transferable quotas to persons who have not held a fishing permit within the previous 12 months if he considers it appropriate for special reasons in any case.

*Sections 28o and 28r:* These amendments are necessary because it is possible that the total of individual transferable quotas could be less than the total allowable catch from the outset. Where this is the case the unallocated portion may be dealt with under *section 28r* in the same manner as any increase in the total allowable catch.

*Section 28r (5):* The effect of this amendment is that in considering whether or not to accept any tender for quota arising from an increased or unallocated total allowable catch the Minister may take into account any matter he considers relevant, including any difference in operating costs of foreign owned New Zealand fishing vessels and other New Zealand fishing vessels.

*Section 28zc:* This amendment is necessary because the resource rentals for fish taken by foreign owned New Zealand fishing vessels may not always be twice the resource rentals for fish taken by other New Zealand fishing vessels. The effect of this amendment is that the difference between the rates of resource rentals, whatever that difference may be, is to be waived or refunded where the Minister is satisfied that the fish were taken using a vessel that was not a foreign owned New Zealand fishing vessel.

*Clause 11:* The amendment to *section 57 (5)* is to give effect to the intention of the Primary Production Select Committee that fishing permits be capable of being issued for up to 5 years, but with no 1 year minimum.

*Section 67A:* This amendment exempts persons to whom *section 67A* applies during the period 1 August 1986 to 1 October 1986 while the scheme for licensing of fish receivers is put into place.

The amendment to *section 67c (2) (e)* corrects a typographical error.

*Clause 25:* The amendments to *section 107c* have 2 effects—

- (a) The limitation of a 20 percent maximum annual increase in resource rentals will not apply in respect of fish to be taken by foreign owned New Zealand fishing vessels:
- (b) In making recommendations for varying or specifying rates of resource rentals, the Minister is required to have regard to any difference in operating costs of foreign owned New Zealand fishing vessels and other New Zealand fishing vessels.

The new *section 107H* provides that the resource rentals are to be paid into the Fisheries Fund (a revolving fund within the Trust Account).

*New clause 27A:* The effect of this clause is to establish a revolving fund for the fish management and research functions of the Ministry of Agriculture and Fisheries.

*Third Schedule:* This amendment increases the proposed resource rental for scallops from \$50 per tonne (meat weight) to \$250 per tonne (meat weight).