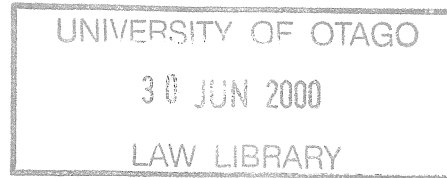


Law
114
310

No 29



House of Representatives

Supplementary Order Paper

Thursday, 22 June 2000

Fisheries Amendment Bill (No 2)

Proposed amendments

Hon Pete Hodgson, in Committee, to move the following amendments:

New clause 2

To omit the word "This", and substitute the words "Except as provided in subsection (2), this".

To add, as subclause (2), the following subclause:

- (2) **Section 32N** is deemed to have come into force on 1 October 1999.

Proposed clause 4AEA

To insert, after *new clause 4AE*, the following clause:

4AEA Transitional offences and penalties

Section 361(1) of the principal Act is amended—

- (a) by inserting, after the expression "section 121(3)" where it first appears, the words "or any provision of Part XII":
- (b) by inserting in paragraph (a), before the words "of this Act", the words "or of Part XII".

Proposed clause 4AFA

To insert, after *new clause 4AF*, the following clause:

4AFA Further provisions relating to allocation of quota

Section 364 of the principal Act is amended by adding the following subsections:

- "(5) If the holder of any individual transferable quota that is subject to a reduction under section 52 has leased that quota to any person,—

- “(a) the right to take fish conferred on that person by that quota is reduced proportionately to the reduction in the quota of the holder of the quota; and
- “(b) any right to take fish conferred on any person under any sublease of the quota is reduced proportionately to the reduction in the quota of the person granting the sublease.
- “(6) If the holder of any quota that is reduced under section 52 has entered into any lease or any other arrangement in relation to quota, and that lease or other arrangement provides that any other person is or may become entitled to acquire any amount of quota outright, the amount of quota to which that entitlement relates is reduced proportionately to the reduction in the quota of the holder of the quota.
- “(7) The provisions of section 28OD(6), (7), and (8) of the Fisheries Act 1983 apply as if the quota reduction referred to in **subsections (5) and (6)** were a reduction of a total allowable commercial catch under section 28OB or section 28OC of that Act.”

Proposed clause 32N

To insert, after *new clause 32M*, the following clause:

32N Repeal of section 28Z

- (1) Section 28Z of the principal Act (which relates to overseas ownership of quota) is repealed.
- (2) Section 333A of Fisheries Act 1996 is consequentially amended—
 - (a) by omitting from subsection (1) the words “are not prevented from owning quota under section 28Z of the Fisheries Act 1983”, and substituting the words “would not be prevented from owning quota under section 28Z of the Fisheries Act 1983 if that section were still in force”;
 - (b) by omitting from subsection (5) the word “continues”, and substituting the words “is deemed to continue”.
- (3) Section 363(2)(b) of the Fisheries Act 1996 is consequentially repealed.

Explanatory note

This Supplementary Order Paper amends the Fisheries Amendment Bill (No 2) as follows:

- The transitional offence and penalty provisions of section 361 of the Fisheries Act 1996 are extended to cover the provisions of Part XII of that Act, which relates to the observer programme. This will enable Part XII to be brought into force and enforced under the Fisheries Act 1983

until the relevant enforcement provisions of the 1996 Act are brought into force.

- The transitional provisions in section 364 of the 1996 Act, which relate to quota allocated under the 1983 Act, are supplemented to provide for the proportionate reduction of leases of quota where quota is reduced under section 52 of the 1996 Act as a result of an alteration to a person's provisional catch history. Similar provisions are contained in section 28OD of the 1983 Act for cases where the total allowable commercial catch is reduced.
 - Section 28Z of the 1983 Act is deemed to have been repealed on 1 October 1999, which is the date on which its successor provisions in the 1996 Act relating to overseas ownership of quota came into force. Transitional provisions in sections 333A and 363 of the 1996 Act containing references to section 28Z are consequentially amended with effect on the same date.
-