

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Friday, 9 September 1983

## FISHERIES BILL

Right Hon. Mr MACINTYRE, in Committee, to move the following amendments:

*Clause 1:* To omit *subclause (2)* of this clause on page 3, and to substitute the following subclause:

(2) Subject to **section 102 (6)** of this Act, this Act shall come into force on the 1st day of October 1983.

*Clause 2 (1):* To omit, from the proposed definition of the term "commercial fisherman" on page 4, the colon on line 25, and to substitute the words "; or".

To add to the same definition the following paragraph:

(d) In the case of an individual taking seaweed for commercial purposes, a person who can satisfy the Director-General as to his legitimate involvement in the seaweed-taking business (even if that person does not otherwise comply with the provisions of this definition):

*Clause 11:* To insert in *paragraphs (b) and (c)* of the proviso to *subclause (3)*, before the word "person" in each case, the word "first".

To omit from *subsection (7)* the expression "*subsection (4)*", and substitute the expression "*subsection (3)*".

*Clause 23 (1) (b):* To insert, after the words "objections to", the words "and submissions in respect of".

*Clause 28 (5):* To add to this subclause on page 23 at line 21 the words "; and every controlled fishery licence granted by the Fisheries Licensing Authority under that Act and in force as at the commencement of this Act shall be deemed to be a controlled fishery licence granted by the Fisheries Authority under this Act".

*Clause 57 (2) (a):* To omit this paragraph on page 41 at lines 2 and 3, and to substitute the following paragraph:

(a) Subject to any regulations made under this Act, the taking of whitebait:

*Clause 60 (2):* To insert in this subclause on page 43 at line 9 after the proposed word "species,", the word "quantities,".

*Clause 63 (4) (a):* To omit from this paragraph at page 45 on line 25 the word "office", and to substitute the word "officer".

*Clause 65 (2):* To omit this subclause on page 46 at line 23, and to substitute the following subclause:

- (2) Nothing in subsection (1) of this section shall apply—
- (a) To the sale or other disposal of any acclimatised fish bred or reared in a fish farm licensed pursuant to regulations made under this Act;
- (b) If there are for the time being regulations in that behalf made under this Act, to the sale of any salmon taken by a commercial fisherman—
- (i) Elsewhere than in the district of an acclimatisation society; and
- (ii) In accordance with those regulations.

*Clause 71 (4):* To insert in this subclause on page 51 at line 15, after the word “granted”, the words “or otherwise authorised”.

To add to this subclause at line 19 the words “or otherwise authorised”.

*Proposed clause 79A (5):* To insert in this subclause on page 60 at line 7, after the word “granted”, the words “or otherwise authorised”.

To add to this subclause at line 11 the words “or otherwise authorised”.

*Clause 83:* To omit subclause (1) (c).

To add the following subclause:

- (3) This Act is subject to section 49 of the Marine Farming Act 1971.

*Clause 102:* To add to this clause on page 77 the following subclause:

- (6) Subsections (2), (3), and (4) of this section shall come into force on the 1st day of January 1984.

*Second Schedule:* To insert on page 81 after the item relating to the Fisheries (General) Regulations 1950, Amendment No. 37, the following items:

The Fisheries (General) Regulations 1950, Amendment No. 38 .. .. .	1983/71
The Fisheries (General) Regulations 1950, Amendment No. 39 .. .. .	1983/138

To insert, on page 85,—

(a) After the item relating to the Chatham Islands Rock Lobster Fishery, the item—

Amendment No. 1 .. .. .	1983/108
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After the item relating to the Gisborne Rock Lobster Fishery, Amendment No. 1, the item—

Amendment No. 3 .. .. .	1983/109
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After the item relating to the Westland Rock Lobster Fishery, the item—

Amendment No. 1 .. .. .	1983/111
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To omit from the item relating to the Taranaki Rock Lobster Fishery the item relating to Amendment No. 1, and to substitute the following:

Amendment No. 2 .. .. .	1983/110
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To add to the Schedule the following item:

The Fisheries (Scallop Season Variation) Notice 1983 .. .. .	1983/124
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*Third Schedule:* To omit from the item relating to the Marine Farming Act 1971 on pages 86, 87, and 88 those amendments which relate to sections 2 (1), 9A, and 30 (2) of that Act.

To add on page 88 to the item relating to the Marine Farming Act 1971 in the column headed "Amendment", the following:

By adding to section 41 the following subsection:

"(4) Any person exercising a power of entry or inspection conferred on him by this section shall observe the provisions of subsections (2) and (2c) of section 75 of the Fisheries Act 1983 (which relate to entry into private dwelling places and certain other places and to the production of warrants of appointment or other evidence of identity) in the same manner as if that person were a Fishery Officer under that Act."

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#### EXPLANATORY NOTE

*Clause 1:* This amendment is consequential on the amendment to *clause 102*.

*Clause 2 (1):* This amendment provides for certain seaweed harvesters to be regarded as commercial fishermen, even though a substantial part of their income may not be obtained through the harvesting of seaweed.

*Clause 11:* These amendments repair minor drafting omissions.

*Clause 23 (1) (g):* This is an amendment consequential on the amendments already made to *clause 7*.

*Clause 28 (5):* This amendment deems controlled fisheries licences under the 1908 Act to be continued under the Bill.

*Clause 57 (2) (a):* This amendment provides that whitebait may be taken without a fishing permit, unless regulations otherwise provide.

*Clause 60 (2):* The amendment adds limits on quantities of fish to the conditions which may be imposed on a fishing permit.

*Clause 63 (4) (a):* This makes a drafting amendment.

*Clause 65 (2):* This amendment provides that it is no longer an offence for a commercial fisherman who takes salmon at sea to sell the salmon, if it was taken in accordance with any conditions that may be prescribed.

*Clause 71 (4) and proposed clause 79A (5):* These make drafting amendments.

*Clause 83:* These are drafting amendments.

*Clause 102:* This amendment provides that the revocation of regulations made under the 1908 Act is not to take effect until 1 January 1984.

*Second Schedule:* This makes drafting amendments.

*Third Schedule:* The first amendment omits various proposed amendments to the Marine Farming Act 1971. These are no longer necessary in view of the provisions in *clause 61* of the Bill relating to restrictions on fishing.

The second amendment requires persons exercising a power of entry or inspection under the Marine Farming Act 1971 to observe the same requirements in relation to the exercise of those powers as a Fishery Officer is required to observe under the Bill.

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