Version
as at 1 November 2022

Fisheries Amendment Act 1994

Public Act 1994 No 87
Date of assent 1 October 1994

Fisheries Amendment Act 1994: repealed, on 1 November 2022, pursuant to section 22 of the Fisheries Amendment Act 2022 (2022 No 56).

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered by the Ministry for Primary Industries.

Schedule 3
Amendments to principal Act consequential on repeal of provisions relating to resource rentals

9

An Act to amend the Fisheries Act 1983

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

(1) This Act may be cited as the Fisheries Amendment Act 1994, and shall be read together with and deemed part of the Fisheries Act 1983 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1994.

2 Fishing permits

(1) This subsection amended s 63 of the principal Act.

(2) Notwithstanding anything in section 63 of the principal Act, in the case of any person who, at the close of the 30th day of September 1994, held a special permit referred to in subsection (3) of this section, the following provisions shall apply:

- (a) The Director-General may, but is not obliged to, issue to the person an appropriate fishing permit in place of the special permit:
- (b) Where the Director-General issues a fishing permit to any person under this subsection, the special permit held by that person shall be deemed to be revoked as from the commencement of the day on which the fishing permit becomes effective.

(3) Subsection (2) of this section applies to every special permit issued pursuant to section 64(1)(c) of the principal Act during the period commencing on the 18th day of December 1992 and ending with the close of the 30th day of September 1994, being a special permit granted for one or more of the following purposes:

- (a) To rectify an administrative error:
- (b) To reflect a change in the holder's legal personality:
- (c) To recognise a demonstrated record of investigation or development:
- (d) To recognise a commitment in the form of investment:
- (e) To recognise a debilitation by illness or injury:
- (f) To recognise a commitment to international sporting events:
- (g) To allow individual quota holders who did not hold a permit authorising the taking of jack mackerel in quota management areas 1 and 3 to continue their fishing operations.

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6 Transitional levies in respect of period before commencement of first levy order under section 107EA of principal Act

[Repealed]

This section expired, as from 1 December 1995, pursuant to regulation 14(1) Fisheries (Cost Recovery Levies) Order 1995 (SR 1995/280). *See* regulation 14(2) of that Order as to liability under this section before 1 December 1995.

7 Expiry of section 6 and Schedule 2

Section 6 of this Act and Schedule 2 to this Act shall expire on a date to be appointed by the Governor-General by Order in Council and shall, as from their expiry, be deemed to have been repealed.

8 Repeals and amendments

(1) *This subsection repealed ss 28ZC, 28ZZB, 107F, 107G, and 107H, and Schedules 1B, 1C, and Part 2 of Schedule 1D, of the principal Act*.

(2) The Fish Royalties Act 1985 and the Fish Royalties Amendment Act 1986 are hereby repealed.

(3) The following enactments are hereby consequentially repealed:

(a) Section 28 of the Fisheries Amendment Act 1986:

(b) Sections 28, 55, and 56 of the Fisheries Amendment Act 1990:

(c) Sections 6(3), 6(4), 10(3), 10(6), 12(2), and 29 of the Fisheries Amendment Act 1991:

(d) Section 21 of the Fisheries Amendment Act (No 2) 1992:

(e) Section 36 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

(4) *This subsection amended ss 28OF, 28OJ, and 28OL of the principal Act*.

9 Crown not liable for effects of Act

Nothing authorised or effected by this Act shall be regarded as making the Crown or any other person liable to pay compensation to any person or as otherwise making the Crown or any person guilty of a civil wrong.

10 Saving

Notwithstanding the repeal of section 28ZC of the principal Act by section 8(1) of this Act, any amount payable to any person under subsection (4A) of that section (being the remission of any part of any resource rental payment) in respect of any period ending with the close of the 30th day of September 1994

shall be paid in accordance with that section if an application in respect of the amount is received by the Director-General not later than the close of the 31st day of December 1994.

Schedule 1
New Schedule 1E inserted in principal Act

Section 5

Schedule 1E

Section 107EB

A
Fisheries related costs to be borne by Crown

For the purposes of this Part of this Schedule,—

Inshore fisheries means fish of the species specified as inshore species in Part B of this Schedule

Pelagic fisheries means fish of the species specified as pelagic species in Part B of this Schedule

Prosecutions means proceedings that have been commenced by the laying of an information or the presentation of an indictment

Shellfish does not include squid (*Nototodarus gouldi* and *Nototodarus sloanii*).

Item	Crown Contribution
Stock assessment costs associated with-	
(a) Inshore fisheries research	10 percent
(b) Shellfish research	10 percent
(c) Pelagic fisheries research	5 percent
Management measures dealing with interfaces and resolving conflicts between commercial interests and between commercial and non-commercial interests	25 percent
Detection of fisheries offences	13 percent
Prosecutions	100 percent
Management of all Crown held fisheries quota	100 percent
Management of licensing of foreign licensed nations under the Territorial Sea and Exclusive Economic Zone Act 1977	100 percent
Costs of all other required services as defined in section 107EC(7) of this Act (other than research relating to deep water and middle depth stock assessment research, and stock assessment methodologies)	32.07 percent
Costs of conservation services referred to in section 107EA(1)(d) of this Act	00.00 percent

B

Tables of inshore and pelagic species specified for purposes of part A of this Schedule

COMMON NAME	SPECIES CODE	SCIENTIFIC NAME
	Inshore Species	
Alfonsino	BYX	Beryx splendens, B decadactylus
Blue cod	BCO	Parapercis colias
Blue moki	MOK	Latridopsis ciliaris
Bluenose	BNS	Hyperoglyphe antarctica
Butterfish, greenbone	BUT	Odax pullus
Common (blue) warehou	WAR	Seriolella brama
Conger eel	CON	Conger spp
Elephant fish	ELE	Callorhnchus milii
Flatfish:		
Black flounder	BLF	Rhombosolea retiaria
Brill	BRI	Colistium guntheri
Greenback flounder	GFL	Rhombosolea tapirina
Lemon sole	LSO	Pelotretis flavilatus
New Zealand sole	ESO	Peltorhamphus novaezeelandiae
Sand flounder	SFL	Rhombosolea plebeia
Turbot	TUR	Colistium nudipinnis
Yellowbelly flounder	YBF	Rhombosolea leporina
Giant stargazer	STA	Kathetostoma giganteum
Grey mullet	GMU	Mugil cephalus
Groper:		
Bass	BAS	Polyprion moeone
Hapuku	HAP	Polyprion oxygeneios
John dory	JDO	Zeus faber
Leatherjacket	LEA	Parika scaber
Long-finned fresh-water eel	LFE	Anguilla dieffenbachii
Octopus	OCT	Octopus maorum
Parore	PAR	Girella tricuspidata
Porae	POR	Nemadactylus douglasi
Quinnat salmon	SAM	Oncorhynchus tshawytscha
Red cod	RCO	Pseudophycis bachus

COMMON NAME	SPECIES CODE	SCIENTIFIC NAME
Red gurnard	GUR	Chelidonichthys kumu
Red moki	RMO	Cheilodactylus spectabilis
Rig, spotted dogfish	SPO	Mustelus lenticulatus
Rough skate	RSK	Raja nasuta
School shark	SCH	Galeorhinus galeus
Sea perch, Jock Stewart, Scarpee	SPE	Helicolenus percoides
Short-finned freshwater eel	SFE	Anguilla australis
Snapper	SNA	Pagrus auratus
Spiny dogfish	SPD	Squalus acanthias
Spotted gurnard	JGU	Pterygotrigla picta
Spotted stargazer	SPZ	Genyagnus monopterygius
Tarakihi	TAR	Nemadactylus macropterus
Trevally	TRE	Pseudocaranx dentex
Yellow-eyed mullet	YEM	Aldrichetta forsteri
	Pelagic Species	
Albacore	ALB	Thunnus alalunga
Anchovy	ANC	Engraulis australis
Bigeye tuna	BIG	Thunnus obesus
Blue (English) mackerel	EMA	Scomber australasicus
Broadbill swordfish	SWO	Xiphias gladius
Butterfly tuna	BTU	Gasterochisma melampus
Garfish	GAR	Hyporhamphus ihi
Jack mackerel	JMA	Trachurus declivis, T novaezeelandiae, T murphyi
Kahawai	KAH	Arripis trutta, A xylabion
Kingfish (yellowtail)	KIN	Seriola ialandi
Northern bluefin tuna	NTU	Thunnus thynnus
Pilchard	PIL	Sardinops neopilchardus
Ray’s bream	RBM	Brama brama
Skipjack tuna	SKI	Katsuwonus pelamis
Southern bluefin tuna	STN	Thunnus maccoyi
Sprats	SPR	Sprattus antipodum, S muelleri
Yellowfin tuna	YFN	Thunnus albacares
Striped marlin	STM	Tetrapturus audax
Black marlin	BKM	Makaira indica

COMMON NAME	SPECIES CODE	SCIENTIFIC NAME
Blue marlin	BEM	Makaira nigricans, Makaira mazara
Blue shark	BWS	Prionace glauca
Mako shark	MAK	Isurus oxyrinchus

Schedule 2
Transitional levies payable until expiry of section 6

[Expired]

Section 6

Clause (4)(2) in Part A of this Schedule was substituted, as from 30 June 1995, by regulation 2 Fisheries Amendment Act (Transitional Levies) Order 1995 (SR 1995/133).

Parts I to III of Part D were substituted, as from 28 July 1995, by regulation 2 Fisheries Amendment Act (Transitional Levies) Order (No 2) 1995 (SR 1995/152).

This Schedule expired, as from 1 December 1995, pursuant to regulation 14(1) Fisheries (Cost Recover Levies) Order 1995 (SR 1995/280).

Schedule 3
Amendments to principal Act consequential on repeal of provisions relating to resource rentals

Section 8(4)

Provision Amended	Amendment
28OF	By omitting from paragraph (b)(ii) of the definition of the term **compensation balance** in subsection (1) (as inserted by section 15 of the Fisheries Amendment Act 1990) the words "resource rentals", and substituting the words "compensation levies".
	By inserting in subsection (1), after the definition of the term **compensation balance**, the following definition:
	Compensation levy means the compensation levy imposed by Part A of the Second Schedule to the Fisheries Amendment Act 1994
	By repealing the definition of the term **extended compensation period** in subsection (1) (as substituted by section 6(3) of the Fisheries Amendment Act 1991), and substituting the following definition:
	Extended compensation period means the period commencing on the 1st day of October 1994 and ending with the close of the 30th day of September 1995
	By inserting in subsection (2), after the words "resource rental" in both places where they occur, the words "or compensation levy".
	By repealing subsection (3) (as added by section 6(4) of the Fisheries Amendment Act 1991).
28OJ	By omitting from subsection (1)(a) (as inserted by section 15 of the Fisheries Amendment Act 1990) the word "during" where it secondly occurs, and substituting the words "in respect of".
	By repealing paragraph (b) of subsection (1) (as so inserted), and substituting the following paragraph:
	(b) All compensation levies paid to the Crown during the extended compensation period (less the amount of any compensation levies refunded in respect of that period pursuant to Part A of the Second Schedule to the Fisheries Amendment Act 1994), to the extent that the total amount so paid does not exceed the amount of compensation payable under section 28OG of this Act in respect of reductions in quota for hoki as remains unpaid on the 31st day of December 1994; and

Provision Amended	Amendment
	By omitting from subsection (2) (as so inserted and as amended by section 10(6) of the Fisheries Amendment Act 1991) the words "or (if appropriate) the extended compensation period".
28OL	By omitting from subsection (1)(b)(ii) (as inserted by section 15 of the Fisheries Amendment Act 1990) the words "the 30th day of September 1994", and substituting the words "all payments by way of the remission of resource rentals, being payments made on applications lodged in accordance with section 10 of the Fisheries Amendment Act 1994, have been made".
	By repealing subsection (3) (as so inserted), and substituting the following subsections:
	(3) Subject to subsection (4) of this section, where the compensation balance available at the close of the 30th day of September 1994 is insufficient to pay all amounts of compensation payable under sections 28OG to 28OI of this Act that remain unpaid at that date, that balance shall, after all cases to which section 10 of the Fisheries Amendment Act 1994 apply have been determined in accordance with that section, be paid to the persons to whom compensation is due in accordance with the following priorities: (a) First, there shall be paid (if the compensation balance is sufficient), to each person who has not yet received the amount of compensation that is then due to that person under section 28OH of this Act, such amount as may be necessary to bring the level of compensation paid to that person up to that amount: (b) Secondly, there shall be paid (if the compensation balance is sufficient), to each person who has not yet received the amount of compensation that is then due to that person under section 28OI of this Act, such amount as may be necessary to bring the level of compensation paid to that person up to that amount: (c) Thirdly, there shall be paid in full (if the compensation balance is sufficient), to each person who has not yet received the agreed preliminary percentage of the amount of compensation payable to that person, such amount as may be necessary to bring the level of compensation paid to that person up to that percentage:

Provision Amended	Amendment
	(d) To the extent of any remaining compensation balance, the amount to be paid to each person to whom any amount of compensation is still due shall be reduced on a proportionate basis to total the amount of that remaining balance.
	(3A) Subject to subsection (4) of this section, where the compensation balance available at the end of the extended compensation period is insufficient to pay all amounts of compensation payable under sections 28OG to 28OI of this Act that remain unpaid at that date, that balance, after all cases to which clause 4(7) of Part A of the Second Schedule to the Fisheries Amendment Act 1994 apply have been determined, shall be paid to the persons to whom compensation is due in accordance with paragraphs (a) to (d) of subsection (3) of this section.

Consolidation notes

1 General

This is a consolidation of the Fisheries Amendment Act 1994 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this consolidation

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 Amendments incorporated in this consolidation

Fisheries Amendment Act 2022 (2022 No 56): section 22

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