

## FISHERIES AMENDMENT (NO. 3) BILL

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### EXPLANATORY NOTE

THIS Bill further amends the Fisheries Act 1908.

*Clause 2* re-enacts in an amended form section 9 of the Fisheries Amendment Act 1912, which empowers the Governor-General, by Order in Council, to authorise any person to construct and maintain private breeding ponds for trout, and to make regulations relating to the operation of any such pond and the sale of the trout reared there. The new section will enable private breeding ponds to be established and private waters to be used as freshwater fish farms for all types of fish and not just trout. The regulations may require a person to obtain a licence before operating a fish farm, and provision can be made in the regulations for the revocation or suspension of any such licence for breaches of the regulations or breaches of the licence. The maximum penalty that may be prescribed for breach of any such regulations is being increased from \$100 to \$500, and, in the case of a continuing offence, there is to be a further fine not exceeding \$10 for each day on which the offence has continued. Any such regulations may regulate the operation of fish farms, provide for the inspection of any such farms, regulate the canning of fish from those farms, and prescribe the measures to be taken on the outbreak of any disease among fish on fish farms, and may authorise or require the destruction of diseased fish, whether with or without payment of compensation. Regulations may be made so as to give applicants for licences a right of appeal if their applications are refused and also to give the holders of licences a right of appeal if their licences are revoked or suspended.

*Clause 3* re-enacts in an amended form section 89 of the principal Act, which prohibits the selling or letting of certain fishing rights. The changes in the new section 89 are consequential on the new section 83B (inserted by *clause 2* of the Bill).

*Hon. Mr Scott*

## FISHERIES AMENDMENT (NO. 3)

### ANALYSIS

Title	2. Freshwater fish farming
1. Short Title	3. Fishing rights not to be let or sold

### A BILL ENTITLED

#### An Act to amend the Fisheries Act 1908

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**—This Act may be cited as the Fisheries Amendment (No. 3) Act 1969, and shall be read together with and deemed part of the Fisheries Act 1908\* (hereinafter referred to as the principal Act).

10 2. **Freshwater fish farming**—(1) The principal Act is hereby further amended by inserting, after section 83A (as inserted by section 2 of the Fisheries Amendment Act 1962), the following section:

15 “83B. The Governor-General may from time to time, by Order in Council, make regulations authorising persons to construct and maintain ponds and to use private waters as fish farms for breeding and rearing fish for sale subject to such conditions as are specified in the regulations; and without

\*Reprinted 1966, Vol. 3, p. 2321

Amendments: 1967, No. 49; 1968, No. 27; 1969, No. 26

limiting the generality of the foregoing provisions of this section, he may, by the same or a subsequent Order in Council, make regulations for all or any of the following purposes:

- “(a) Prohibiting the operation of any such fish farm without a licence: 5
  - “(b) Regulating the operation of any such fish farm subject to such conditions as may be specified in the regulations:
  - “(c) Providing for the inspection of any such fish farm, including any stock or any building or structure associated with the breeding and rearing of fish on the farm or with processing or storing any fish reared on the farm: 10
  - “(d) Providing for the issue of licences in respect of any such operation and the form and contents of any such licence: 15
  - “(e) Prescribing the fee (if any) payable in respect of any such licence:
  - “(f) Providing for the revocation or suspension of any such licence for breaches of the regulations or of any conditions imposed in the licence: 20
  - “(g) Specifying the species of fish that may be bred or reared in any such fish farm:
  - “(h) Regulating the types and quantities of food that may be fed to any such fish, and the methods of feeding: 25
  - “(i) Regulating or prohibiting the canning of any such fish:
  - “(j) Regulating the sale or other disposal or the possession of any such fish:
  - “(k) Providing for the keeping of records of fish reared and sold: 30
  - “(l) Prescribing the measures to be taken on the outbreak of any disease among the fish, and authorising or requiring the destruction of diseased fish, whether with or without payment of compensation:
  - “(m) Providing for appeals against refusals to issue licences as aforesaid, and against revocations or suspensions of any such licences: 35
  - “(n) Prescribing offences for breaches of any such regulations, and prescribing a fine not exceeding \$500 for any such offence, and, in the case of a continuing offence, a further fine not exceeding \$10 for every day on which the offence has continued.” 40
- (2) The Fisheries Amendment Act 1912 is hereby repealed.

**3. Fishing rights not to be let or sold**—The principal Act is hereby further amended by repealing section 89, and substituting the following section:

“89. Every person commits an offence against this Part  
5 of this Act who sells or lets the right to fish in any waters or private waters:

“Provided that nothing in this section shall restrict the taking of any fish by a licensee or any employee of a licensee from a fish farm operating pursuant to a licence issued under  
10 regulations made under section 83B of this Act.”