

New Zealand.



ANALYSIS.

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| <p style="text-align: center;">Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 2 of principal Act amended. 3. Section 5 of principal Act amended. 4. Officers under Part II of principal Act may be appointed for a particular district or for whole of New Zealand. 5. Section 80 of principal Act amended. | <ol style="list-style-type: none"> 6. Powers of officers under Part II of principal Act extended. 7. Section 83 of principal Act amended. 8. Sections 2 and 4 of Amendment Act, 1912, amended. 9. Section 8 of Amendment Act, 1912, amended. 10. Special oyster-fisheries for Maoris. Repeal. 11. Other amendments of principal Act. Schedule. |
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1923, No. 10.

AN ACT to amend the Fisheries Act, 1908.

[20th August, 1923.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fisheries Amendment Act, 1923, and shall be read together with and deemed part of the Fisheries Act, 1908 (hereinafter referred to as the principal Act).

2. Section two of the principal Act is hereby amended by inserting, after the definition of the term "Seals," the following definition:—

" 'Superintendent' means a Superintendent of Mercantile Marine appointed under the Shipping and Seamen Act, 1908, or any other officer discharging the duty of a Superintendent of Mercantile Marine."

3. Section five of the principal Act is hereby amended by inserting, after paragraph (n), the following new paragraph:—

"(m.) Prohibiting the deposit on any oyster-bed of any stone or ballast or any other substance whatever, or the doing of any act which would be likely to injure or disturb in any manner the oysters on such bed."

4. Any person appointed as an officer under Part II of the principal Act may be so appointed for a particular acclimatization district within the meaning of the Animals Protection and Game Act, 1921-22, or for any other particular area, or to carry out his duties generally throughout New Zealand.

Title.

Short Title.

Section 2 of principal Act amended.

Section 5 of principal Act amended.

Officers under Part II of principal Act may be appointed for a particular district or for whole of New Zealand.

Section 80 of principal Act amended.

5. Subsection one of section eighty of the principal Act is hereby amended by inserting, after the word "district" wherever it occurs, the words "or area."

Powers of officers under Part II of principal Act extended.

Cf. 1921, No. 57, sec. 36(1)(c)

6. In addition to the powers conferred on him by section eighty of the principal Act, any officer appointed under Part II of that Act may, within the district or area for which he is appointed, stop any vehicle, or stop in transit any parcel, package, case, bag, or luggage in possession of the owner or of any other person, including any carrier or forwarding agent (whether by land or sea), if he has reason to believe or suspect that any breach of the provisions of Part II of the principal Act has been committed by the owner or by the person in possession thereof, and in the presence of such owner or other person, or of any carrier or forwarding agent as aforesaid, or of any servant of any of them, search any such vehicle, or open and search any such parcel, package, case, bag, or luggage.

Section 83 of principal Act amended.

7. Section eighty-three of the principal Act is hereby amended by repealing paragraph (n), and substituting the following paragraph:—

"(n.) Prohibiting the casting of any rubbish or refuse or material of any kind into any waters or on to any river-bed."

Sections 2 and 4 of Amendment Act, 1912, amended.

8. (1.) Section two of the Fisheries Amendment Act, 1912, is hereby amended as follows:—

(a.) By omitting from subsection two the word "Collector" wherever it occurs, and in each case substituting the word "Superintendent":

(b.) By repealing subsection three, and substituting the following subsections:—

"(3.) On receipt of any such application the Superintendent shall forward the same to the Minister, who may grant a license authorizing the owner to use the vessel for whaling purposes, or may, in his discretion, refuse to grant such a license. No such license shall be issued to the owner until he has paid the prescribed fee.

"(3A.) Every such license shall be in the prescribed form, and on the issue of a license the Minister shall cause the name of the vessel to be entered in a register of whaling-vessels."

(2.) Subsection three of section four of the Fisheries Amendment Act, 1912, is hereby amended by omitting the word "Collector," and substituting the word "Minister."

Section 8 of Amendment Act, 1912, amended.

9. Section eight of the Fisheries Amendment Act, 1912, is hereby amended by adding the following as subsection two:—

"(2.) The Minister may from time to time, by notice in the *Gazette*, define the boundaries of any such oyster-bed or area on which oysters have been so planted. Such notice shall in all proceedings for an offence against this section be conclusive evidence of such boundaries."

Special oyster-fisheries for Maoris.

10. (1.) The Governor-General may from time to time, by Order in Council, declare any tidal lands or tidal waters defined in that Order and situated in the neighbourhood of any Maori pa or village to be an oyster-fishery where Maoris only may take oysters for their own food.

(2.) The control of each such oyster-fishery shall be vested in a committee of such number of Maoris resident in the neighbourhood of the fishery as the Minister determines, and with respect to every such committee the following provisions shall apply :—

(a.) The members of the committee shall from time to time be appointed by the Minister, and shall hold office during his pleasure :

(b.) The duties of the committee shall be to maintain the fishery in good order and condition to the satisfaction of the Minister, to regulate the taking of oysters therefrom by Maoris, to account to the satisfaction of the Minister for the expenditure of all moneys received by the committee pursuant to this section, and to report to the Minister any breach by any person of any of the provisions of this section.

(3.) The Minister may, on the recommendation of the committee, by notice in the *Gazette*, declare that no oysters shall be taken from the oyster-fishery under its control during such period as may be specified in that behalf in the notice, and it shall not be lawful for any person to take oysters from such fishery during such period.

(4.) If at any time it is found by the committee that there are more mature oysters in the fishery under its control than are required for the food of the Maoris in the neighbourhood and for the further propagation of the oysters, the surplus quantity may be sold to the Minister, and the proceeds of such sale shall be paid to the committee and applied by it solely for the purpose of extending and conserving the oyster-beds on the fishery. All oysters so purchased by the Minister shall be sold or otherwise disposed of in such manner as he thinks fit.

(5.) Except as provided in the last preceding subsection, no Maori shall sell or give to a European any oysters taken from any such fishery.

(6.) Every Maori who in contravention of the provisions of this section takes or sells or otherwise disposes of oysters from any such fishery, and every European who takes oysters therefrom, or who in any manner unlawfully obtains any oysters taken from such fishery, commits an offence, and is liable to a fine of not less than twenty pounds.

(7.) The Governor-General may from time to time, by Order in Council, make regulations for carrying into effect the provisions of this section.

(8.) Section seventeen of the principal Act is hereby repealed.

Repeal.

11. The principal Act is hereby amended in the manner and to the extent indicated in the Schedule hereto.

Other amendments
of principal Act.

Schedule.

SCHEDULE.

Title of Act.	Extent of Amendment.
1908, No. 65.—The Fisheries Act, 1908	<p>Section 6 : By omitting the word "Collector" wherever it occurs, and in each case substituting the word "Superintendent."</p> <p>Section 18 : By omitting the word "Collector," and substituting the word "Superintendent."</p> <p>Section 19 : By omitting the word "Collector" wherever it occurs, and in each case substituting the word "Superintendent."</p> <p>Section 20 : By omitting the word "Collector," and substituting the word "Superintendent."</p> <p>Section 22 : By omitting the word "Collector," and substituting the word "Superintendent."</p> <p>Section 23 : By omitting the word "Collector" wherever it occurs, and in each case substituting the word "Superintendent."</p> <p>Section 26 : By omitting the word "Collector," and substituting the word "Superintendent."</p> <p>Section 28 : By omitting the word "Collector" wherever it occurs, and in each case substituting the word "Superintendent."</p>