



ANALYSIS

Title
1. Short Title

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

1971, No. 148

An Act to amend the Fisheries Act 1908

[15 December 1971]

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

1. Short Title—This Act may be cited as the Fisheries Amendment Act (No. 2) 1971, and shall be read together with and deemed part of the Fisheries Act 1908 (hereinafter referred to as the principal Act).

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:

“83B. The Governor-General may from time to time, by Order in Council, make regulations authorising persons, to be registered for the purpose, 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 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, and the sale, disposal, transport, or export of any fish from such a fish farm without a licence:
- “(b) Providing for the registration of persons who may hold licences to operate fish farms and for the qualifications those persons shall be required to hold and the conditions with which they shall be required to comply before being granted registration and in order to remain registered:
- “(c) Regulating the operation of any such fish farm subject to such conditions as may be specified in the regulations:
- “(d) Providing for the appointment of officers, including any class of officers with specialist qualifications, to inspect such fish farms and ensure that any regulations made under this section are enforced:
- “(e) 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:
- “(f) Providing for the issue, renewal, and transfer of licences in respect of any such operation and the form and contents of any such licence:
- “(g) Prescribing the fee, not exceeding \$300 per annum, payable in advance in respect of any such licence:
- “(h) Providing for the revocation or suspension of any such licence for breaches of the regulations or of any conditions imposed in the licence:
- “(i) Specifying the species, sub-species, varieties, or hybrids of fish that may be bred or reared in any such fish farm:
- “(j) Regulating the types and quantities of food that may be fed to any such fish, and the methods of feeding:
- “(k) Regulating or prohibiting the canning of any such fish:
- “(l) Regulating the sale or other disposal or the possession of any such fish:
- “(m) Providing for the keeping by the licensee of any fish farm of records of fish acquired, kept, and disposed of, and for the keeping of records relating to those fish by any other licensee or other person:

- “(n) Prescribing the measures to be taken to avoid the outbreak of any disease among the fish, and authorising or requiring the taking of any specimen, the testing of any thing, or the sampling of any substance present on any fish farm:
- “(o) Prescribing the measures to be taken on the outbreak of any disease among the fish, and authorising or requiring the removal of any specimen or sample, or the destruction of diseased fish, whether with or without payment of compensation:
- “(p) Prescribing offences for breaches of any such regulations, and prescribing a fine not exceeding \$2,000 for any such offence, and, in respect of each fish to which any such offence relates, a further fine not exceeding \$5, and, in the case of a continuing offence a further fine not exceeding \$20 for every day on which the offence has continued.”
- (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 of this Act who sells or lets the right to fish in any waters or private waters other than the right to fish in accordance with regulations made under section 83B of this Act in any fish-out pond being part of a fish farm operating pursuant to a licence issued under those regulations:

“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 regulations made under section 83B of this Act.”

This Act is administered in the Marine Department.
