



ANALYSIS

Title 1. Short Title and commencement	2. Assessment of deemed value of fish 3. Validation and savings
--	--

1994, No. 141

An Act to amend the Fisheries Act 1983

[9 December 1994]

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 (No. 2) 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 be deemed to have come into force on the 15th day of September 1994.

2. Assessment of deemed value of fish—Section 28ZE of the principal Act (as inserted by section 29 (1) of the Fisheries Amendment Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) For the avoidance of doubt, it is hereby declared that—

“(a) The power conferred on the Director-General by this section includes power to determine in respect of any specified season or other period a deemed value that shall apply generally to all cases within any specified class or classes (being a class or classes based on a class or species of fish, a class of commercial fishermen, an area or areas, circumstances, or any combination of them); and

“(b) Nothing in this section obliges the Director-General to assess the deemed value of any fish by reference to the circumstances of any person liable to pay the deemed value of such fish or to determine separate deemed values in individual cases.

“(2A) In assessing the deemed value of any fish, the Director-General shall have regard to—

- “(a) The market value of the class or species of fish concerned to—
 - “(i) Commercial fishermen; and
 - “(ii) Licensed fish receivers; and
 - “(iii) Consumers:
- “(b) Any proceeds or benefit likely to be received by commercial fishermen or other persons in respect of the class or species of fish concerned:
- “(c) The removal from commercial fishermen, licensed fish receivers, or associated persons of any economic incentive for the taking, processing, or sale of fish taken without authority:
- “(d) The need to provide an incentive for commercial fishermen to land fish taken without authority, particularly where such fish are dead or unlikely to survive if returned to the water.”

3. Validation and savings—(1) Subject to subsections (2) and (3) of this section, every assessment of the deemed value of any fish that was made pursuant to section 28ZE of the principal Act before the commencement of this section is hereby declared to be, and always to have been, as valid and effectual as it would have been if subsections (2) and (2A) of that section (as substituted by section 2 of this Act) had been in force when that assessment was made.

(2) Nothing in this section affects any order or determination made by any Court before the date of commencement of this section, to the extent that the order or determination relates to any assessment of the deemed value of any fish pursuant to the said section 28ZE.

(3) Any proceedings relating to any assessment of the deemed value of any fish pursuant to the said section 28ZE, that were commenced before the date of commencement of this section and were pending or in progress on that date, shall be determined as if this section had not been enacted.