

Fishing Industry Board Act 1963 070
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(Including amendments as at 1975)

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THE FISHING INDUSTRY BOARD ACT 1963
No. 70

An Act to establish a Fishing Industry Board and to define its functions
and powers

[23 October 1963]

1. Short Title and commencement

(1) This Act may be cited as the Fishing Industry Board Act 1963.

(2) This Act shall come into force on the 1st day of April 1964.

This Act is administered in the Ministry of Agriculture and Fisheries; see s. 3 (2) of the Ministry of Agriculture and Fisheries Act 1953 (reprinted 1972, Vol. 3, p. 2576), and s. 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

2. Interpretation

---In this Act, unless the context otherwise requires,---

“Board” means the Fishing Industry Board:

[“Department” means the Ministry of Agriculture and Fisheries established under the Ministry of Agriculture and Fisheries Act 1953:]

[“Director-General” means the Director-General of Agriculture and Fisheries:]

“Financial year” means a period of 12 months ending with the 31st day of March:

“Fish” includes every description of fish and of shellfish taken in [New Zealand fisheries waters (as defined in the Fisheries Act 1908)] or in the waters of the sea adjacent thereto; and also includes any part of any such fish or shellfish; but does not include whitebait; and “fishing” has a corresponding meaning:

[“Minister” means the Minister of Agriculture and Fisheries.]

“Department”: The definition of this term was inserted by s. 6 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

“Director-General”: The definition of this term was inserted by s. 2 of the Fishing Industry Board Amendment Act 1975.

“Fish”: The words in square brackets were substituted for the words “New Zealand waters” by s. 11 of the Territorial Sea and Fishing Zone Act 1965.

“Minister”: The definition of this term was substituted for the original definition by s. 6 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

[2A. Act to bind Crown

This Act shall bind the Crown.]

This section was inserted by s. 3 of the Fishing Industry Board Amendment Act 1975.

Fishing Industry Board

3. Establishment of Fishing Industry Board

(1) There is hereby established for the purposes of this Act a Board, to be known as the Fishing Industry Board.

(2) The Board shall consist of [8] members, being---

- (a) One member, to be appointed as the Chairman of the Board:
- (b) One member, to be appointed as representing persons engaged in the taking of fish for the purposes of sale:
- (c) One member, to be appointed as representing wholesalers of fish [and processors of fish]:
- (d) One member, to be appointed as representing retailers of fish:
- (e) Three other members:
- [(f) One member, to be either the Director-General or his nominee, but this member shall not be entitled to vote at any meeting of the Board or to be selected as Chairman pursuant to section 8 (4) of this Act; nor shall he be counted in determining whether a quorum of the Board is present pursuant to section 8 (3) of this Act.]

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of purchasing or otherwise acquiring, holding, disposing of, and alienating real and personal property, and of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

In subs. (2) the expression ``8" was substituted for the word ``seven" by s. 4 (1) (a) of the Fishing Industry Board Amendment Act 1975.

In subs. (2) (c) the words in square brackets were added by s. 4 (1) (b) of the Fishing Industry Board Amendment Act 1975.

In subs. (2), para. (f) was added by s. 4 (1) (c) of the Fishing Industry Board Amendment Act 1975.

The Board is a local authority for the purposes of the Local Authorities (Members' Interests) Act 1968, see s. 2 (1) of that Act.

4. Appointment of members

(1) [All members of the Board except the Director-General and his nominee] shall be appointed by the Governor-General on the recommendation of the Minister.

(2) With respect to the members of the Board to be appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, the following provisions shall apply:

- (a) The person to be appointed under the said paragraph (b) shall be appointed on the recommendation of the Minister on the nomination of such organisations as appear to the Minister to be representative of persons engaged in the taking of fish for the purposes of sale:
- (b) The person to be appointed under the said paragraph (c) shall be appointed on the recommendation of the Minister on the nomination of such organisations as appear to him to be representative of wholesalers of fish [or processors of fish]:
- (c) The person to be appointed under the said paragraph (d) shall be appointed on the recommendation of the Minister on the nomination of such organisation as appear to him to be representative of retailers of fish.

(3) No member of the Board shall be deemed to be employed in the

service of Her Majesty for the purposes of the State Services Act 1962 or [the Government Superannuation Fund Act 1956] by reason of his being a member of the Board.

(4) The first-appointed members of the Board may be appointed at any time after the passing of this Act, and shall come into office at the commencement of this Act or on the date of appointment, whichever is later. For the purposes of this subsection, nominations may be made to the Minister under subsection (2) of this section before the commencement of this Act.

In subs. (1) the words in square brackets were substituted for the words "The members of the Board" by s. 4 (2) of the Fishing Industry Board Amendment Act 1975.

In subs. (2) (b) the words in square brackets were added by s. 4 (3) of the Fishing Industry Board Amendment Act 1975.

In subs. (3) the Government Superannuation Fund Act 1956, being the corresponding enactment in force at the date of this reprint, has been substituted for the former Superannuation Act 1956.

[5. Disqualification for appointment

(1) No person shall be appointed as Chairman of the Board under section 3 (2) (a) of this act if he is financially interested in the fishing industry.

(2) For the purposes of this section, a person shall be deemed to be financially interested in the fishing industry if he---

- (a) Is the owner of or of any share in a fishing boat for the time being registered under Part I of the Fisheries Amendment Act 1963; or
- (b) Is engaged in fishing for the purposes of sale; or
- (c) Is engaged in the business of selling fish, whether by wholesale or retail; or
- (d) Is in partnership with any person specified in paragraphs (a) to (c) of this subsection; or
- (e) Is a member or director or employee of any incorporated company carrying on the business of fishing or of selling fish, whether by wholesale or retail; or
- (f) Is the spouse or employee of any person disqualified under the provisions of this subsection.

(3) If the Chairman of the Board becomes disqualified under this section for appointment, his office as a member of the Board shall thereupon become vacant, and may be filled in the manner specified in section 7 of this Act.]

This section was substituted for the original s. 5 by s. 5 (1) of the Fishing Industry Board Amendment Act 1975.

6. Term of office

[(1) Subject to subsection (2) of this section, each member of the Board appointed by the Governor-General shall be appointed for a term not exceeding 3 years, and shall be eligible for reappointment from time to time.]

(2) The following provisions shall apply with respect to the first-appointed members of the Board, namely:

- (a) Of the members appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, one shall retire at the expiration of one year from the date of the commencement of this Act, one shall retire at the expiration of 2 years from that date, and the other shall retire at the end of 3 years from that date:
 - (b) Of the members appointed under paragraph (e) of that subsection, one shall retire at the expiration of one year from the date of the commencement of this Act, one shall retire at the expiration of 2 years from that date, and the other shall retire at the expiration of 3 years from that date:
 - (c) The member to retire under paragraph (a) of paragraph (b) of this subsection at the expiration of one year shall be determined by agreement of the 3 members concerned, and the member so to retire at the expiration of 2 years shall be determined by agreement of the 2 members concerned; and, failing agreement on either occasion, the member then to retire shall be determined by lot.
- (3) Notwithstanding anything to the contrary in this Act, every member of the Board, unless he sooner vacates his office under section 5 or section 7 of this Act, shall continue in office until his successor comes into office.

Subs. (1) was substituted for the original subs. (1) by s. 4(4) of the Fishing Industry Board Amendment Act 1975.

7. Extraordinary vacancies

- (1) Any member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.
- (2) If any member of the Board dies, or resigns, or is removed from office, or, in the case of [the Chairman], becomes disqualified for membership of the Board, the Governor-General may, on the recommendation of the Minister, appoint a qualified person to fill the vacancy for the residue of the term for which the vacating member was appointed.
- (3) Where the person so vacating office was a member of the Board appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, the provisions of subsection (2) of section 4 of this Act shall, with the necessary modifications, apply with respect to the recommendation by the Minister of a person to fill the vacancy.
- (4) The powers of the Board shall not be affected by any vacancy in the membership.

In subs. (2) the words "the Chairman" were substituted for the words "a member appointed under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act" by s. 5 (2) of the Fishing Industry Board Amendment Act 1975.

8. Meetings of Board

- (1) The first meeting of the Board shall be

held at a time and place to be appointed by the Minister.

- (2) Subsequent meetings of the Board shall be held at such times and places as the Board may from time to time appoint.
- (3) At any meeting 4 members of the Board, at least 2 of whom shall be members appointed under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act, shall form a quorum.
- (4) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting the members present shall select one of their number to be the Chairman for the purposes of that meeting.
- (5) The Chairman at any meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.
- (6) At any meeting the decision of a majority of the members present shall be the decision of the Board.
- (7) Subject to the provisions of this Act, the Board may regulate its own procedure.

9. Committees

- (1) The Board may from time to time appoint a committee or committees, consisting of 2 or more persons, to advise the Board on such matters concerning the fishing industry or the marketing or export of fish or fish products as are referred to them by the Board.
- (2) Every committee may, in addition, furnish to the Board reports on any matter concerning the fishing industry or the marketing or export of fish or fish products in respect of which the members of the committee have special knowledge or experience.
- (3) Any person may be appointed to be a member of any committee, notwithstanding that he is not a member of the Board.

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In subs. (3) a proviso was repealed by s. 6 of the Fishing Industry Board Amendment Act 1975.

Functions and Powers of Board

10. Functions of Board

- (1) The functions of the Board shall be---
 - (a) To promote the fishing industry in New Zealand:
 - (b) To promote means of expanding the fishing industry in the interests of New Zealand and to ensure that full use is made of the fish resources of New Zealand:
 - (c) To promote the sale of fish and fish products for consumption in New Zealand:
 - (d) To ensure that an adequate supply of fish and fish products is made available at all times to the public throughout New Zealand at reasonable prices, having due regard to the desirability of ensuring a continuity of supplies for the export market:
 - (e) To promote the export of fish and fish products, while ensuring

that an adequate supply of fish and fish products is made available at all times to the public throughout New Zealand at reasonable prices:

- [(f) To promote, both alone and in collaboration with other agencies, means of ensuring that proper standards are maintained with respect to fish and fish products intended for consumption in New Zealand or for export, both as to the quality thereof and as to the use of hygienic methods in the handling, processing, storage, packaging, and transport thereof and, where appropriate, to establish the form, size, and use of quality marks relating to these standards in accordance with regulations under this Act:
- (fa) To co-ordinate the domestic and export marketing of fish and fish products:
- (fb) To license exporters of fish and fish products in accordance with regulations under this Act:]
- (g) To resolve problems relating to the economic production of fish and fish products:
- (h) To promote a greater degree of co-ordination within the fishing industry:
- (i) To direct the attention of the Minister and of persons engaged in the fishing industry and of organisations of such persons to aspects of the fishing industry in which progress is most needed and most practicable:
- (j) To co-operate with any organisation established by the Government for the purposes of carrying out fisheries research:
- (k) To promote means of obtaining finance for the development of the fishing industry, and for that purpose to make recommendations to Government Departments and to lending organisations with respect to loan proposals:
- (l) To exercise and perform such other functions and powers in relation to the fishing industry as are conferred on the Board by this Act or by regulations under this Act.

(2) It shall also be a function of the Board to report to the Minister from time to time concerning---

- (a) Trends and prospects in overseas markets in respect of fish and fish products:
- (b) Movements in costs or prices, or other factors likely to prejudice the economic stability of the fishing industry.

In subs. (1), paras. (f), (fa), and (fb) were substituted for the original para. (f) by s. 7 of the Fishing Industry Board Amendment Act 1975.

11. General powers of Board

The Board shall have all such powers, rights, and authorities as may reasonably be necessary or expedient to enable it to carry out its functions.

12. Board to comply with general policy of Government

In carrying out of its functions and the exercise of its powers under this Act the Board shall comply with the general policy of the Government of New Zealand in relation to the fishing industry, and shall comply with any general or special directions given by the Minister pursuant to the policy of the Government in relation thereto.

13. Board may act as a Commission of Inquiry

For the purpose of enabling it to carry out its functions or to exercise any of its powers, and for the purpose of obtaining any information that may be deemed necessary or of value to enable the Board to carry out its functions or to exercise any of its powers, the Board may, with the consent of the Minister given in a specified case, exercise all the powers of a Commission under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply thereto accordingly.

14. Levy on fish

- (1) For the purpose of providing funds to enable the Board to carry out its functions and to exercise the powers conferred on the Board by this Act, there shall be paid to the Board, by way of a general levy on all fish sold in New Zealand or exported from New Zealand, such charges as may from time to time be fixed by the Board, not exceeding in any case the maximum charges that may be prescribed by regulations under this Act.
- (2) Differential charges may be prescribed in respect of fish sold in New Zealand and fish exported from New Zealand, and differential charges may be prescribed in respect of different kinds of fish.
- (3) Any charges under this section may be fixed in relation to the weight or quantity of the fish sold or exported or in relation to the selling price or export price thereof [or, in the case of any person who may be liable for the payment of charges in more than one capacity, in relation to any notional price calculated in accordance with regulations under this Act].
- (4) The rates of those charges shall be fixed from time to time by the Board, by notice in the Gazette.
- (5) All charges payable under this section shall be payable to the Board by such persons as are specified by regulations under this Act, and shall be recoverable as a debt due to the Board in any Court of competent jurisdiction.

In subs. (3) the words in square brackets were added by s. 8 of the Fishing Industry Board Amendment Act 1975.

See also the Fishing Levy Regulations 1976 (S.R. 1976/316).

15. Supply of fish for local consumption

Subject to any regulations under this Act, the Board may from time to time take such action as it considers necessary or expedient in order to ensure that an adequate supply of fish is available at all times to the public throughout New Zealand, having due regard to the desirability of ensuring a continuity of supplies for the export market.

Financial Provisions

16. Grants and advances to Board

- [(1) There may from time to time be paid to the Board out of money appropriated by Parliament such sums as the Minister of Finance thinks fit, for the purpose of enabling the Board to perform its functions and exercise its powers under this Act,

subject to such conditions as that Minister thinks fit.]

- (2) The Minister of Finance may from time to time, on behalf of the Crown,---
- (a) Advance money to the Board; and
 - (b) Give in respect of any advances made to the Board by any other person any guarantee, indemnity, or security,---

on and subject to such terms and conditions as that Minister thinks fit.

- (3) All money required to be paid by the Minister of Finance under subsection (2) of this section shall, without further appropriation than this section, be paid out of the Consolidated Revenue Account or out of the National Development Loans Account. Where any payment under this section is made out of the National Development Loans Account, the authority of the Minister of Finance to borrow money under section 11 of the New Zealand Loans Act 1953 shall be deemed to be extended as if the money so paid had been authorised to be transferred from the National Development Loans Account to another fund or account as mentioned in that section.

- (4) The Minister of Finance may from time to time, on behalf of the Crown, enter into agreements with the Board for the purpose of giving full effect to the provisions of subsection (2) of this section.

Subs. (1) was substituted for the original subs. (1) by s. 2 of the Fishing Industry Board Amendment Act 1965.

17. Fishing Industry Account---

- (1) For the purposes of this Act there shall be established at the Bank of New Zealand an account to be known as the Fishing Industry Account.
- (2) No money shall be drawn from the Fishing Industry Account except by authority of the Board, and any cheque shall be signed by such person or persons as the Board from time to time appoints for that purpose.

18. Imprest accounts

- [(1) The Board may from time to time open at any branch or agency of the Bank of New Zealand (whether in New Zealand or elsewhere) such imprest and other subsidiary accounts as it may think necessary or desirable for the exercise of its functions under this Act.
- (2) All bank accounts of the Board shall be operated on only by cheque or other instrument signed by such person or persons as the Board may from time to time appoint for that purpose.]
- (3) Money in any imprest account shall be available only for the payment of salaries and wages and of emergency expenditure. A statement of all payments made from the imprest account shall be submitted to the Board for approval at its first ordinary meeting thereafter.

Subss. (1) and (2) were substituted for the original subss. (1) and (2) by s. 9 (1) of the Fishing Industry Board Amendment Act 1975.

19. Money payable into Fishing Industry Account

There shall from time to time be paid into the Fishing Industry Account---

- (a) All money paid to the Board pursuant to section 16 of this Act:
- (b) The proceeds of any levy imposed by the Board under section 14 of this Act:
- (c) Any other money derived from the operations of the Board under this Act or otherwise payable into the Fishing Industry Account.

20. Money payable out of Fishing Industry Account

There shall from time to time be paid out of the Fishing Industry Account all money payable by the Board, and all costs, charges, and expenditure incurred by the Board, in the performance of its duties and the exercise of its powers, authorities, and functions under this Act and in the administration of this Act.

21. Investment of money

Any money belonging to the Board may from time to time be invested---

- (a) In New Zealand Government securities:
- (b) On deposit in any bank or banks approved by the Minister of Finance, or in the Post Office Savings Bank:
- (c) In any manner, or in any securities, that may from time to time be authorised by the Minister of Finance.

22. Unauthorised expenditure

In any financial year the Board may expend for purposes not authorised by this or any other Act any sum or sums not amounting in the aggregate to more than [\$500].

The expression ``\$500" was substituted for the words ``two hundred dollars" (as amended by s. 7 of the Decimal Currency Act 1964) by s. 9 (2) of the Fishing Industry Board Amendment Act 1975.

23. Borrowing powers

The Board may from time to time, with the consent of the Minister of Finance and on and subject to such terms and conditions as he thinks fit, borrow money by way of overdraft or otherwise and issue debentures or mortgage or charge any of its real or personal property.

24. Accounts

- (1) The Board shall keep full and correct accounts of all money received and expended by it.
- (2) The accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.
- (3) The Board shall, as soon as possible after the end of every financial year, cause the accounts of the Board for that financial year to be balanced and prepare a statement of the assets and liabilities of the Board as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year.

25. Remuneration and travelling expenses

- (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There shall be paid to the members of the Board, and there may be paid to the members of any committee appointed by the Board, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

26. Exemption from taxation

The Board shall be exempt from land tax and shall also be exempt from income tax.

The words ``', except as provided in section 154A of the Land and Income Tax Act 1954," were omitted by s. 33 (3) of the Land and Income Tax Amendment Act (No. 2) 1972.

Miscellaneous Provisions

27. Officers and employees of Board

- [(1) The Board may appoint such officers and employees as it thinks necessary for the efficient carrying out of its functions under this Act.]
- (2) Repealed by s. 10 of the Fishing Industry Board Amendment Act 1975.
- (3) The Board may pay to its officers and employees such salaries, wages, and allowances as it thinks fit.
- (4) The Board may make payments to, or subsidise, the National Provident Fund or any fund or scheme established with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its officers and employees.

Subs. (1) was substituted for the original subss. (1) and (2) by s. 10 of the Fishing Industry Board Amendment Act 1975.

28. Performance of functions by Department or other agent on behalf of Board

The Board may from time to time, with the consent of the Minister, arrange that any of its duties or functions under this Act may be performed on its behalf by the [Department] or by some other agent appointed for the purpose, and the [Department] is hereby authorised to act as agent for the Board.

The word ``Department" was substituted for the words ``Marine Department" by s. 6 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

29. Government Departments may provide services for Board

The Crown, acting through any Government Department, may from time to time, at the request of the Board, enter into contracts or arrangements for the execution or provision by the Department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed upon. 30. Contracts of Board and members---(1) The Board is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959 and to be a local authority for the purposes of the [Local Authorities (Members' Interests) Act 1968].

(2) This subsection amended the First Schedule to the Public Bodies Contracts Act 1959, reprinted 1975, Vol. 3, p. 2259.

(3) Repealed by s. 9 (1) of the Local Authorities (Members' Interests) Act 1968.

In subs. (1) the Local Authorities (Members' Interests) Act 1968, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Local Authorities (Members' Contracts) Act 1954.

31. Board may insure members

The Board may from time to time enter into contracts of insurance insuring members of the Board or of any committee appointed by the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and may pay the premiums payable in respect of any such contracts.

As to personal injuries, see the Accident Compensation Act 1972, reprinted 1975, Vol. 2.

32. Members of Board or committee not personally liable

No member of the Board or of any committee appointed by the Board shall be personally liable for any act or default done or made by the Board or the committee or by any member thereof in good faith in the course of the operations of the Board or the committee.

33. Service of notices

(1) Every notice required by this Act or by any regulations under this Act to be given to any person shall be given to that person either by serving it on him personally or by sending it to him by registered letter addressed to him at his last-known place of abode or business in New Zealand.

(2) Where any such notice is sent by registered post, the production of a receipt given to any officer of the Post Office, and purporting to be signed by the person to whom it is addressed or by his duly authorised agent, shall be sufficient proof, until the contrary is shown, that it was received by that person.

[(3) Every notice shall be signed by the Chairman or by such other officers as may from time to time be authorised by the Board to sign notices, and every notice purporting so to be signed shall, in the absence of proof to the contrary, be deemed to have been duly signed by

the person or persons purporting to have signed it.]

Subs. (3) was substituted for the original subs. (3) by s. 11 of the Fishing Industry Board Amendment Act 1975.

34. Offences

- (1) Every person commits an offence against this Act who does any act in contravention of or fails to comply with any direction given to him by the Board, by notice in writing, in the performance of its functions or the exercise of its powers under this Act.
- (2) Every person who commits an offence against this Act or any regulations under this Act is liable on summary conviction to a fine not exceeding [\$500 and, where the offence is a continuing one, to a further fine of \$10 for every day on which the offence has continued].

In subs. (2) the words in square brackets were substituted for the words "two hundred dollars" (as amended by s. 7 of the Decimal Currency Act 1964) by s. 12 of the Fishing Industry Board Amendment Act 1975.

35. Regulations

- (1) The Governor-General may from time to time, by Order in Council, after consideration by the Minister of any recommendations thereon made to him by the Board, make regulations for all or any of the following purposes:
- (a) Prescribing the maximum amount of any levy that may be imposed under section 14 of this Act on fish or fish products sold in New Zealand and fish and fish products intended to be exported from New Zealand, the persons by whom the levy is payable, and the methods to be adopted in the collection of any such levy:
 - (b) Subject to the provisions of Part I of the Fisheries Amendment Act 1963, regulating, for the purposes of ensuring that an adequate supply of fish and fish products will at all times be available to the public throughout New Zealand at reasonable prices, the marketing, distribution, and sale of fish and fish products, and, for that purpose, preventing restrictive practices in relation to such marketing, distribution, and sale:
 - (c) Regulating and controlling the inspection and testing for quality of fish and fish products, and providing for the disposal of fish or fish products of inferior quality:
 - [(ca) Providing for the issue, refusal, renewal, suspension, revocation, and modification of licences for exporters of fish and fish products:
 - (cb) Prescribing minimum f.o.b. prices or a range of minimum f.o.b. prices for fish and fish products:
 - (cc) Providing for the prescribing and notification of the form, size, and use of quality marks established pursuant to section 10 (1) (f) of this Act:]
 - (d) Regulating the grading of fish and fish products:
 - (e) Obtaining any information or particulars that may be required for the effective performance of the functions of the Board under this Act:
 - (f) Prescribing offences against the regulations:
 - (g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due

administration thereof.

(2) Different maximum amounts may be prescribed pursuant to paragraph (a) of subsection (1) of this section in respect of fish sold in New Zealand and in respect of fish exported from New Zealand, and different maximum amounts may be so prescribed in respect of different kinds of fish.

(3) The maximum amounts prescribed pursuant to that paragraph may be fixed in relation to the weight or quantity of the fish sold in New Zealand or exported or in relation to the selling price or export price thereof [or, in the case of any person who may be liable for the payment of charges in more than one capacity, in relation to any national price calculated in accordance with regulations under this Act.]

In subs. (1), paras. (ca), (cb), and (cc) were inserted by s. 13 (1) of the Fishing Industry Board Amendment Act 1975.

In subs. (3) the words in square brackets were added by s. 13 (2) of the Fishing Industry Board Amendment Act 1975.

[35A. Licensing Appeals

(1) Any person affected by a decision of the Board---

- (a) Refusing an application by him for a licence under regulations under this Act; or
- (b) Refusing an application by him for the renewal of any such licence; or
- (c) Refusing to approve the issue or renewal of any such licence except subject to conditions; or
- (d) Revoking or suspending any such licence---

may, within 28 days after the date on which notice of the decision has been given to him by the Board, appeal to the Supreme Court against the whole or any part of the decision.

(2) Every such appeal shall be heard and determined by the Administrative Division of the Supreme Court and 2 assessors (in this section referred to as the Court).

(3) The assessors in respect of each such appeal shall be appointed by the Minister of Justice. One of them shall be appointed on the nomination of the Board and the other on the nomination of the appellant.

(4) At the hearing of the appeal, the Court shall hear all evidence tendered and representations made by or on behalf of the appellant, the Board, and other persons which the Court considers relevant to the subject-matter of the appeal.

(5) The Court may at the hearing receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the matters before it, whether or not it would be otherwise admissible in a Court of law.

(6) The Court in its discretion may, having regard to the interests of all parties concerned and to the public interest, order that the hearing or any part of it shall be held in private.

(7) The decision of the Judge of the Court and at least one of the

assessors shall be the decision of the Court; but if neither of the assessors is in agreement with the Judge, the decision of the Judge shall be the decision of the Court.

(8) Subject to the provisions of this section, the procedure in respect of any appeal shall be in accordance with rules of Court.

(9) After hearing the appeal, the Court may---

- (a) Confirm, modify, or reverse the decision or part of the decision appealed against:
- (b) Order that a licence be granted to the appellant, or that any licence which has expired or is due to expire be renewed, or that a licence be restored to its holder, or order the cancellation of any decision of the Board suspending the licence, or make such other order as the case may require:

Provided that nothing in this subsection shall be construed to give the Court power to review any part of the Board's decision other than the part against which the appellant has appealed.

(10) Where the Board revokes any licence issued under any regulations under this Act or refuses to renew any licence on an application for its renewal, the licence shall, notwithstanding the Board's decision, be deemed to be only suspended pending the disposal of any appeal under this section, or the expiration of the time for lodging notice of appeal, or the withdrawal of any such appeal, whichever last occurs.

(11) Notwithstanding anything in subsection (10) of this section, the Board in its discretion may decide that a licence which it has revoked or suspended shall remain valid pending the disposal of any appeal or the expiration of the time for lodging an appeal under this section.]

This section was inserted by s. 14 of the Fishing Industry Board Amendment Act 1975.

36. Annual report and accounts to be presented to Parliament

(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a balance sheet and such other statements of account as are necessary to show fully the financial position of the Board and the financial results of its operations during that year, together with a report of its proceedings and operations for that financial year.

(2) A copy of the report and a copy of the accounts and balance sheet of the Board certified by the Audit Office shall be laid before Parliament within 28 days after the same have been furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the commencement of the next ensuing session.

37. Other Acts not affected

Nothing in this Act or in any regulations under this Act shall derogate from any of the provisions of [the Commerce Act 1975].

The Commerce Act 1975, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Control of Prices Act 1947 and the repealed Trade Practices Act

1958.

THE FISHING INDUSTRY BOARD AMENDMENT ACT 1965
1965, No. 84

An Act to amend the Fishing Industry Board Act 1963
[27 October 1965]

1. Short Title---This Act may be cited as the Fishing Industry Board Amendment Act 1965, and shall be read together with and deemed part of the Fishing Industry Board Act 1963 (hereinafter referred to as the principal Act).

2. This section substituted a new subsection for subs. (1) of s. 16 of the principal Act.

THE FISHING INDUSTRY BOARD AMENDMENT ACT 1975
1975, No. 50

An Act to amend the Fishing Industry Board Act 1963
[19 September 1975]

1. Short Title

This Act may be cited as the Fishing Industry Board Amendment Act 1975, and shall be read together with and deemed part of the Fishing Industry Board Act 1963 (hereinafter referred to as the principal Act).

2. This section inserted the definition of the term
"Director-General" in s. 2 of the principal Act.

3. This section inserted s. 2A in the principal Act.

4. (1) (a) This paragraph amended s. 3 (2) of the principal Act.
(b) This paragraph amended s. 3 (2) (c) of the principal Act.
(c) This paragraph inserted para. (f) in s. 3 (2) of the principal Act.

(2) This subsection amended s. 4 (1) of the principal Act.

(3) This subsection amended s. 4 (2) (b) of the principal Act.

(4) This subsection substituted a new subsection for subs. (1) of s. 6 of the principal Act.

5. (1) This subsection substituted a new section for s. 5 of the principal Act.

(2) This subsection amended s. 7 (2) of the principal Act.

6. Committees

Section 9 (3) of the principal Act is hereby amended
by repealing the proviso.

7. This section substituted new paras. (f), (fa), and (fb) for para. (f) of s. 10 (1) of the principal Act.
8. This section amended s. 14 (3) of the principal Act.
9. (1) This subsection substituted new subsections for subss. (1) and (2) of s. 18 of the principal Act.

(2) This subsection amended s. 22 of the principal Act.
10. This section substituted a new subs. (1) for subss. (1) and (2) of s. 27 of the principal Act.
11. This section substituted a new subsection for subs. (3) of s. 33 of the principal Act.
12. This section amended s. 34 (2) of the principal Act.
13. (1) This subsection inserted paras. (ca), (cb), and (cc) in s. 35 (1) of the principal Act.

(2) This subsection amended s. 35 (3) of the principal Act.
14. This section inserted s. 35A in the principal Act.

The Fishing Industry Board Act 1963 is administered in the
Ministry of Agriculture and Fisheries.