

An Act to amend the Fisheries Act 1996

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 Act 1996 Amendment Act 1999, and is part of the Fisheries Act 1996 ("the principal Act").

(2) This section and sections 2 to 8, 11 to 16, 64 to 72, 77 to 83, and 85 to 90, and the Schedules, come into force on the day after the date on which this Act receives the Royal assent.

(3) Sections 17 to 21 come into force on 1 October 1999.

(4) The other provisions of this Act come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions and for different purposes.

(5) Section 1 of the principal Act is amended by inserting, after subsection (2), the following subsection:

"(2A) Despite subsection (2), sections 56, 57, 58, 62, and 358 come into force on 1 October 1999."

PART 1

Amendments to Principal Act

2. Interpretation--- (1) Section 2 (1) of the principal Act is amended by omitting from the definition of the term "annual catch entitlement" the words "section 67 or section 68 of this Act", and substituting the words "any of sections 67, 67A, 68, 340, and 340A".

(2) Section 2 (1) of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

" 'Approved service delivery organisation' means a person declared to be an approved service delivery organisation, and to whom any specified functions, duties, or powers of the chief executive have been transferred, under section 296B:

" 'Beach cast seaweed' means seaweed of any species that is unattached and cast ashore:

" 'Conservation services' means outputs produced in relation to the adverse effects of commercial fishing on protected species, as agreed between the Minister responsible for the administration of the Conservation Act 1987 and the Director-General of the Department of Conservation, including---

"(a) Research relating to those effects on protected species:

"(b) Research on measures to mitigate the adverse effects of

commercial fishing on protected species:

“(c) The development of population management plans under the Wildlife Act 1953 and the Marine Mammals Protection Act 1978:

“ ‘Financial year’ means a period of 12 months commencing on 1 July and ending with 30 June:

“ ‘Fisheries services’ means outputs produced for the purpose of this Act, the Fisheries Act 1983, or the Marine Farming Act 1971, as agreed between the Minister and the chief executive; and includes---

“(a) The management of fisheries resources, fishing, and fish farming:

“(b) The enforcement of provisions relating to fisheries resources, fishing, and fish farming:

“(c) Research relating to fisheries resources, fishing, and fish farming, including stock assessment and the effects of fishing on the aquatic environment:

“(d) The performance or exercise, by the Minister or the chief executive or any other person, of a function, duty, or power conferred or imposed relating to fisheries resources, fishing, or fish farming:

“ ‘Infringement fee’, in relation to an infringement offence, means the appropriate infringement fee set in respect of that offence by regulations made under section 297 (1) (nc):

“ ‘Infringement offence’ means an offence prescribed as an infringement offence against this Act by regulations made under section 297 (1) (na):

“ ‘Long-term viability’, in relation to a biomass level of a stock or species, means there is a low risk of collapse of the stock or species, and the stock or species has the potential to recover to a higher biomass level:

“ ‘Multi-species stock’ means a quota management stock that consists of 2 or more species:

“ ‘Outputs’ means the goods and services that are produced by a department, Crown entity, Office of Parliament, or any other person or body:

“ ‘Overseas person’ has the same meaning as in section 2 (1) of the Overseas Investment Act 1973:

“ ‘Specified functions, duties, or powers’, in relation to an approved service delivery organisation, has the meaning given to it by section 296A:

“ ‘Standards and specifications’ means standards and specifications issued under section 296O:”.

(3) Section 2 (1) of the principal Act is amended by omitting from the definition of the term “chief executive” the word “any”, and substituting the words “section 296C and any other”.

(4) Section 2 (1) of the principal Act is amended by repealing the definitions of the terms “deemed value amount” and “deemed value rate”, and substituting the following definitions:

“ ‘Deemed value’ means an interim deemed value or an annual deemed value:

“ ‘Deemed value amount’ means the amount of any interim or annual deemed value payable in respect of any catch taken in excess of any annual catch entitlement, as determined under section 76:

“ ‘Deemed value rate’ means the rate of an interim or annual deemed value payable in respect of any stock, as determined under section 75:”.

(5) Section 2 (1) of the principal Act is amended by repealing paragraph (b) of the definition of the term “individual transferable quota”, and substituting the following paragraphs:

“(b) Quota that becomes individual transferable quota under section 49 (3):

“(ba) Individual transferable quota allocated under Part IIA of the Fisheries Act 1983 that has been converted into quota shares under section 343:”.

(6) Section 2 (1) of the principal Act is amended by repealing the definition of the term “Registrar”.

(7) Section 4 of the principal Act is consequentially repealed.

3. Meaning of “associated person” in relation to quota--- Section 3 (1) of the principal Act is amended---

(a) By inserting, after the words “this Act”, the words “(other than sections 78, 79, and 91)”:

(b) By inserting in paragraph (a), after the word “control”, the words “(whether direct or indirect)”:

(c) By inserting in paragraph (b), after the word “control”, the words “(whether direct or indirect)”:

(d) By omitting from paragraph (c) the words “estate or”.

4. Meaning of “associated person” in relation to issue of fishing permits--- The principal Act is amended by inserting, after section 3, the following section:

“3A. (1) For the purposes of sections 78, 79, and 91, a person is associated with another person if---

“(a) The interest of 1 of the persons in any fishing is subject to the effective control (whether direct or indirect) of the other; or

“(b) The interest of both persons in any fishing is subject to the effective control (whether direct or indirect) of another person.

“(2) Without limiting the generality of subsection (1), in determining whether a person is an associated person, regard may be had to---

“(a) Shareholdings in, debentures over, or directorships of, any company that has an interest (whether direct or indirect) in the fishing; and

“(b) Any trust that has a relationship to the fishing; and

“(c) Family, domestic, and business relationships between---

“(i) Persons having an interest in the fishing or in companies of the kind referred to in paragraph (a), or in trusts of the kind referred to in paragraph (b); and

“(ii) Any other persons.

“(3) For the purposes of this section, unless the contrary is proven,

person A is deemed to be subject to the effective control of person B in relation to fishing if person A is, in relation to that fishing,---

- “(a) Accustomed to following the instructions of person B; or
- “(b) Accustomed to acting in a manner consistent with advancing the interests of person B; or
- “(c) A company and person B holds---
 - “(i) The right to exercise or control the exercise of 25% or more of the voting power at any meeting of the company; or
 - “(ii) 25% or more of any class of shares in the company.

“(4) Despite subsections (1) to (3), for the purpose of this section,---

- “(a) The Commission is not associated with any other person; and
- “(b) A person is not associated with any other person merely because either or both of those persons are associated with the Commission.

“(5) A bank registered under the Reserve Bank of New Zealand Act 1989 is not associated with any other person merely because the bank has, in the ordinary course of its business as a financier, been granted any interest in fishing owned or controlled by that person.”

5. Sustainability measures---(1) Section 11 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) Before setting or varying any sustainability measure under this Part or making any decision or recommendation under this Act to regulate or control fishing, the Minister must take into account---

- “(a) Any conservation services or fisheries services; and
- “(b) Any relevant fisheries plan approved under this Part; and
- “(c) Any decisions not to require conservation services or fisheries services.”

(2) Section 11 (4) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

- “(b) Implement any sustainability measure or the variation of any sustainability measure, as set or varied under subsection (1),---
- “(i) By notice in the Gazette; or
- “(ii) By recommending the making of regulations under section 298.”

6. Fisheries plans--- The principal Act is amended by inserting, after section 11, the following section:

“11A. (1) The Minister may from time to time approve, amend, or revoke a fisheries plan.

“(2) A fisheries plan approved under subsection (1) may relate to 1 or more stocks, fishing years, or areas, or any combination of those things.

“(3) Without limiting anything in subsection (2), a fisheries plan may include---

- “(a) Fisheries management objectives to support the purpose and principles of the Act:
- “(b) Strategies to achieve fisheries management objectives, which may include---
 - “(i) Sustainability measures set or varied under any of sections 11, 13, 14, and 15:
 - “(ii) Rules to manage the interaction between different fisheries sectors:
- “(c) Performance criteria to measure the achievement of the objectives and strategies:
- “(d) Conservation services or fisheries services:
- “(e) Contingency strategies to deal with foreseeable variations in circumstances.

“(4) Nothing in this section prevents the Minister from considering a proposal under Part IX.”

7. Consultation--- (1) Section 12 (1) of the principal Act is amended---

- (a) By inserting, after the expression “11 (1),” the expression “11 (4), 11A (1),”:
- (b) By inserting, after the expression “14 (6),” the expression “14B (1),”:
- (c) By inserting, after the expression “14 (8),” the expression “or section 14A (1)”.

(2) Section 12 (2) of the principal Act is amended by inserting, after the word “measure,” the words “or after approving, amending, or revoking any fisheries plan,”.

8. New sections inserted--- The principal Act is amended by inserting, after section 14, the following sections:

“14A. Alternative total allowable catch for stocks specified by Order in Council---(1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister with the concurrence of the Minister responsible for the administration of the Environment Act 1986, apply section 14B to the quota management stock or stocks specified in the order.

“(2) No recommendation relating to any stock may be made under subsection (1) unless quota owners (‘proposers’) who hold in the aggregate at least 95 000 000 quota shares in that stock propose to the Minister that he or she recommend the making of an Order in Council under subsection (1).

“(3) A proposal made under subsection (2) must---

- “(a) Specify the concerns (if any) of the quota owners who do not support the proposal; and
- “(b) Specify what arrangements are in place to address those concerns; and
- “(c) Address the matters specified in subsection (4).

“(4) In considering making a recommendation under subsection (1), the Minister must have regard to the following:

- “(a) The need to commission appropriate research to assess the impact of the order on the stock; and
- “(b) The need to implement measures to improve the quality of information about the stock; and
- “(c) Whether it is appropriate to close areas to commercial fishing to reduce any sustainability risk to that stock; and
- “(d) The need to avoid any significant adverse effects on the aquatic environment of which the stock is a component.

“(5) No recommendation may be made under subsection (1) in relation to a proposal made under subsection (2) unless the Minister is satisfied that---

- “(a) The stock is taken primarily as an incidental catch during the taking of 1 or more other stocks and is only a small proportion of the combined catch of the stock and other stock or stocks; and
- “(b) The total benefits of managing the stock at a level other than that permitted under section 13 outweigh the total costs; and
- “(c) Managing the stock at a level other than that permitted under section 13 will have no detrimental effects on non-commercial fishing interests in that stock; and
- “(d) The stock is able to be maintained above a level that ensures its long-term viability; and
- “(e) The purpose of the Act would be better achieved by setting a total allowable catch otherwise than in accordance with section 13.

“14B. Alternative total allowable catch for certain stocks--- (1) Despite section 13, in the case of any quota management stock to which this section applies, the Minister must, by notice in the Gazette, set a total allowable catch for that stock in accordance with this section.

“(2) Subject to subsection (3), the Minister must set a total allowable catch under subsection (1) that is no greater than a level that will allow the taking of another stock or stocks in accordance with the total allowable catch and the total allowable commercial catch set for that other stock or stocks.

“(3) The Minister must set a total allowable catch that maintains the stock above a level that ensures its long-term viability.

“(4) When setting a total allowable catch under subsection (1), the Minister must be satisfied that quota owners have taken, and will continue to take, all reasonable steps (including, but not limited to, modifying fishing methods, fishing areas, and times of fishing) to minimise take of the stock.

“(5) Every total allowable catch set under subsection (1) for any stock continues to apply in each fishing year for the stock unless varied under subsection (6).

“(6) The Minister may from time to time, by notice in the Gazette, vary any total allowable catch set under subsection (1) for any stock by increasing or reducing the total allowable catch.

“(7) Without limiting subsection (1) or subsection (6), the Minister may set or vary any total allowable catch at, or to, zero.

“(8) The setting or variation of a total allowable catch under this section has effect on and from the first day of the next fishing year for the stock concerned.

“14C. Stock may be declared no longer subject to section 14B--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, declare that section 14B no longer applies to the stock specified in the order.

“(2) If an order under subsection (1) is made in respect of any stock, the total allowable catch for the stock must be set under section 13 or section 14, as the case may require.”

9. Matters to be included in notice under section 18--- (1) Section 19 (3) of the principal Act is amended by omitting the words “separate populations of any species that occur”, and substituting the words “any species”.

(2) Section 19 (4) of the principal Act is amended by omitting the words “subsections (5) and (6) of this section”, and substituting the words “subsections (5), (5A), and (6)”.

(3) Section 19 (5) (b) of the principal Act is amended by omitting the words “of a quota management area”.

(4) Section 19 of the principal Act is amended by inserting, after subsection (5), the following subsection:

“(5A) Without limiting subsection (5) (c), the Minister may amend a declaration under section 18 at any time before the allocation of provisional catch history under section 36 or section 41, if the declaration was made on the basis of incorrect or misleading information, or as a result of a mistake.”

(5) Section 19 of the principal Act is amended by repealing subsection (7), and substituting the following subsections:

“(7) Before making a declaration under section 18 or amending a declaration under subsection (5A), the Minister must consult the persons or organisations considered by the Minister to be representative of those classes of persons having an interest in the matters referred to in subsection (1).

“(8) Before making a declaration under section 18, the Minister must also have regard to the costs and benefits of introducing the stock into the quota management system.”

10. New sections substituted--- The principal Act is amended by repealing sections 25 and 26, and substituting the following sections:

“25. Alteration of quota management areas--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of

the Minister,---

- “(a) Alter a quota management area or quota management areas---
 - “(i) By dividing an area into smaller quota management areas; or
 - “(ii) By amalgamating a quota management area (or defined area or areas within a quota management area) with any adjoining quota management areas (or defined area or areas within any adjoining quota management area); or
 - “(iii) By dividing a multi-species stock into 2 or more stocks; or
 - “(iv) By amalgamating 2 or more quota management stocks; or
 - “(v) By doing any combination of those things:
- “(b) In relation to quota for squid in a quota management area being altered under this section, remove any method restriction applying to that quota:
- “(c) Amend the First Schedule by adding a description of any new quota management area or quota management areas created as a result of an alteration under paragraph (a).

“(2) The Minister may make a recommendation under subsection (1) if---

- “(a) The Minister complies with section 25A and quota owners who hold in the aggregate not fewer than 75 000 000 quota shares for any stock that would be affected by the proposed alteration have requested the Minister to make such a recommendation; or
- “(b) The Minister complies with section 25B, in which case a request specified in paragraph (a) is not required.

“(3) Before recommending the alteration of any quota management area under subsection (1), the Minister must---

- “(a) Have regard to---
 - “(i) Non-commercial fishing interests in the affected area; and
 - “(ii) The biological characteristics of each stock that would be affected by the recommendation; and
 - “(iii) Such other matters as the Minister considers relevant; and
- “(b) Consult the persons and organisations considered by the Minister to be representative of those classes of persons having an interest in the relevant quota management area, including Maori, recreational, commercial, and environmental interests; and
- “(c) Provide for the input and participation of tangata whenua who have---
 - “(i) A non-commercial interest in the stock or stocks concerned; or
 - “(ii) An interest in the effects of fishing on the aquatic environment in the area or areas concerned; and
- “(d) For the purpose of paragraph (c), have particular regard to Kaitiakitanga.

“(4) The Minister's recommendation under subsection (1) must reflect what is in the quota owners' agreement referred to in section 25A, or in the plan referred to in section 25B, as the case may be.

- “(5) Every Order in Council made under subsection (1)---
- “(a) Comes into force on the commencement of the first day of the fishing year to which it relates; and
- “(b) Must be made no fewer than 90 days before it comes into force.

“(6) When an Order in Council is made under subsection (1), the chief executive must ensure that---

- “(a) A memorial is recorded in the appropriate register against all quota for any stock affected by the alteration; and
- “(b) The memorial is to the effect that the stock will be affected by the alteration.

“25A. Alteration of quota management areas with agreement of quota owners--- (1) The Minister may not recommend the alteration of any quota management area under section 25 (1) in response to a request referred to in section 25 (2) (a) unless the Minister is satisfied that---

- “(a) The purpose of this Act would be achieved better by altering the quota management area or areas; and
- “(b) The alteration would not unduly prejudice any quota owner who---

- “(i) Owns quota shares for the stock or stocks in the quota management area or areas concerned; and

- “(ii) Is opposed to the alteration; and

- “(c) An agreement that, in the Minister's opinion, satisfactorily addresses the matters set out in subsection (2) has been executed (either as an original or in counterparts) by the quota owners who hold in the aggregate not fewer than 75 000 000 quota shares for each of the stock or stocks for the area or areas being altered; and
- “(d) The quota owners have publicly notified their intention to seek an alteration of the quota management area or areas; and
- “(e) The quota owners have also notified their intention to seek an alteration to all persons who are noted on the Quota Register as having an interest in the quota to which the proposed alteration relates.

“(2) The agreement must provide for all of the following matters:

- “(a) The boundaries of the proposed quota management area or quota management areas;
- “(b) The species that comprise the stock or stocks after the proposed alteration;
- “(c) The manner in which quota shares are to be apportioned after the alteration;
- “(d) The interests of any aggrieved quota owner who holds quota shares in any area affected by the proposed alteration;
- “(e) In the case of any alteration to a quota management area or quota management areas for squid, whether any method restriction applying to squid quota should be removed;
- “(f) Any other matter required by the Minister to be addressed.

“(3) The agreement must include provisions to resolve any grievance of a quota owner who holds quota shares in any area affected by the proposed alteration only if required by the Minister.

“25B. Alteration of quota management areas without agreement of quota

owners--- The Minister may recommend the alteration of any quota management area under section 25 (1) without receiving a request from quota owners in accordance with section 25 (2) (a) if the Minister---

- ``(a) Has approved a plan that provides for all of the following matters:
 - ``(i) The boundaries of the proposed quota management area or areas:
 - ``(ii) The species that comprise the stock or stocks after the alteration:
 - ``(iii) The manner in which quota shares are to be apportioned after the alteration:
 - ``(iv) In the case of any alteration to a quota management area or areas for squid, whether any method restriction applying to squid quota should be removed; and
- ``(b) Is satisfied, having considered alternative options, that the alteration as specified in the plan is necessary to ensure sustainability; and
- ``(c) Has publicly notified his or her intention to recommend the alteration of the quota management area or areas; and
- ``(d) Has also notified his or her intention to recommend the alteration of the quota management area or areas to all persons who are noted on the Quota Register as having an interest in the quota to which the proposed alteration relates.

``26. Effect on quota if quota management area altered--- (1) This section applies if an order is made under section 25.

``(2) Subject to sections 43 and 52, the chief executive must allocate quota---

- ``(a) In accordance with the agreement referred to in section 25A, or with the plan referred to in section 25B, as the case may be; and
- ``(b) In the form in which the quota was held immediately before the alteration takes effect.

``(3) The chief executive must, as soon as practicable after the order is made, cause every quota owner affected by the alteration---

- ``(a) To be notified of the number of quota shares (if any) allocated to that person for each new stock and of any other relevant matters; and
- ``(b) To be given a schedule setting out the allocation of quota shares to all other quota owners for each new stock.

``(4) On the close of the last day of the fishing year before the fishing year in which the alteration takes effect, all existing quota affected by an alteration under section 25 is cancelled, but all rights, obligations, and liabilities (including liability to forfeiture) relating to the cancelled quota apply to the new quota.

``(5) All preferential allocation rights held under section 23 must be apportioned in the same manner as quota is allocated under subsection (2).

``(6) This section does not confer on the Commission any entitlement to any further allocation of quota under section 44 or under any other

enactment."

11. Manner of calculating provisional catch history--- The principal Act is amended by repealing section 31, and substituting the following section:

``31. (1) For the purposes of allocating quota, provisional catch history must be calculated,---

``(a) In the case of any stock controlled exclusively, as at the date of the publication of the relevant notice made under section 18, by means of an individual catch entitlement in accordance with section 40:

``(b) In the case of any other stock, in accordance with section 34.

``(2) Despite this section and section 39, a stock is considered to be controlled exclusively by means of an individual catch entitlement despite any catch entitlement allocated to the Commission or to any person nominated by the Commission to hold that entitlement on the Commission's behalf."

12. New sections inserted--- The principal Act is amended by inserting, after section 32, the following sections:

``32A. Application of Part IV to estate of deceased fishing permit holder--- (1) Subsections (2) and (3) apply for the purposes of this Part, in relation to any fishing permit other than a fishing permit to which section 63A of the Fisheries Act 1983 or section 93A of this Act relates, where the holder of the fishing permit has died.

``(2) The deceased's estate must be treated as the holder of the fishing permit for the purposes of this Part.

``(3) Where this Part requires that a person, at the date of publication of a notice under section 18, hold either a fishing permit that is current or (in the case of a controlled fishery) a controlled fishery licence, before eligibility for provisional catch history or quota can be determined or provisional catch history or quota allocated, it is sufficient if the deceased held a current fishing permit or licence (as the case may be) at the date of his or her death.

``32B. Expiry of section 32A--- Section 32A expires with the close of 30 September 2007 and all provisional catch history held by an estate on or after the close of that date is cancelled."

13. Amendment of notification of eligibility to receive provisional catch history---The principal Act is amended by inserting, after section 35, the following section:

``35A. (1) If the Minister amends a declaration under section 19 (5A), the chief executive may, if the chief executive considers it necessary to do so, do any 1 or more of the following:

``(a) Decide or determine the matters in section 35 (1):

``(b) Revoke a notice issued under section 35 (2):

``(c) Revoke a notice published under section 35 (3):

``(d) Issue a new notice under section 35 (2):

“(e) Publish a new notice under section 35 (3).

“(2) If the chief executive revokes a notice under subsection (1)

(b),---

“(a) The chief executive must notify, in writing, the person who was issued the notice of---

“(i) The revocation; and

“(ii) The reasons for the revocation; and

“(b) All objections lodged under section 35 (4) in respect of that notice must be treated as having been withdrawn.

“(3) If the chief executive revokes a notice under subsection (1)

(c),---

“(a) The chief executive must publicly notify---

“(i) The revocation; and

“(ii) The reasons for the revocation; and

“(b) All notifications received under section 35 (5) in respect of that notice must be treated as having been withdrawn.

14. Transfer of provisional catch history--- Section 37 (1) (b) of the principal Act is amended by omitting the words “a current fishing permit holder”, and substituting the words “eligible to receive quota for the stock under section 45”.

15. Criteria of eligibility to receive provisional catch history for stock controlled by individual catch entitlements--- (1) Section 39 (1) of the principal Act is amended by omitting the word “If”, and substituting the words “Subject to subsection (1A), if”.

(2) Section 39 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) Where a commercial fisher was authorised to take fish, aquatic life, or seaweed controlled by individual catch entitlement under a fishing permit to which section 63A of the Fisheries Act 1983 or section 93A of this Act relates, that fisher's provisional catch history must be treated as being held by the estate of a deceased fishing permit holder to which the fisher is related for the purposes of those sections.”

16. Criteria of eligibility to receive quota--- (1) Section 45 (a) (ii) of the principal Act is amended by omitting the expression “; and”, and substituting the expression “; or”.

(2) Section 45 (a) of the principal Act is amended by adding the following subparagraph:

“(iii) The estate of a fishing permit holder to which section 32A applies; and”.

17. Quota or annual catch entitlement not to be allocated to overseas persons--- (1) Section 56 (1) of the principal Act is amended by inserting, after the word “Minister” wherever it appears, the words “and the Minister for the time being responsible for the administration of the Overseas Investment Act 1973”.

(2) Section 56 (2) of the principal Act is amended by omitting the

words "The Minister", and substituting the words "Those 2 Ministers acting jointly".

(3) Section 56 (3) of the principal Act is amended by omitting the words "", unless those overseas persons and any other overseas persons have the right to exercise or control the exercise of 40 percent or more of the voting power at a meeting of that person or are able to appoint or control the appointment of 40 percent of the board of directors (or other persons or body exercising powers of management, however described) of that person".

18. Minister may permit acquisition or continued holding of quota by persons to whom section 56 applies--- (1) Section 57 (2) to (4) of the principal Act is amended by inserting, after the word "Minister" wherever it appears, the words "and the Minister for the time being responsible for the administration of the Overseas Investment Act 1973".

(2) Section 57 (3) of the principal Act is amended by inserting, after the words "approved form", the words "(if any)".

(3) Section 57 (4) (b) (iii) of the principal Act is amended by omitting the word "thinks", and substituting the word "think".

(4) Section 57 of the principal Act is amended by repealing subsection (5), and substituting the following subsection:

"(5) Every report given under section 11A of the Overseas Investment Act 1973 must include details of the permissions granted under subsection (3)."

(5) Section 57 (6) of the principal Act is amended---

(a) By inserting, after the word "Minister", the words "and the Minister for the time being responsible for the administration of the Overseas Investment Act 1973":

(b) By omitting the words "he or she thinks", and substituting the words "they think".

19. Administration of sections 56 and 57--- (1) The principal Act is amended by inserting, after section 57, the following section:

"57A. Sections 56 and 57 are administered by the Overseas Investment Commission constituted by the Overseas Investment Act 1973."

(2) For the purposes of this section and sections 56 and 57 of the principal Act, the provisions of the Overseas Investment Act 1973 (other than section 14A) and any regulations made under that Act apply in respect of applications to which sections 56 and 57 apply---

(a) As if this section and sections 56 and 57 were part of that Act and references to regulations made under that Act included this section and sections 56 and 57; and

(b) As if references in that Act to the Minister of Lands were references to the Minister as defined in section 2 (1) of this Act; and

(c) With all other necessary modifications.

20. Quota or annual catch entitlement owned by overseas persons to be forfeit--- Section 58 (1) of the principal Act is amended by omitting the expression ``section 57 (2) of this Act'', and substituting the expression ``section 57 (3)''.

21. Provisions relating to forfeit property--- Section 62 of the principal Act is amended---

- (a) By inserting in subsection (3), after the word ``occurred'', the words ``or within such further period before the property has been disposed of as the Court may allow'';
- (b) By omitting from subsection (7) the words ``Subject to subsections (8) and (9) of this section, having'', and substituting the word ``Having'';
- (c) By repealing subsections (9) and (10).

22. New heading and section substituted--- The principal Act is amended by repealing sections 63 and 64, and the heading immediately preceding section 63, and substituting the following heading and section:

``Order of Transactions

``63. Order of transactions--- If any regulations made under section 297 (1) (sa) provide that any transactions must be actioned in a specified order, the chief executive must action those transactions in accordance with this Act in the specified order."

23. Allocation of annual catch entitlement--- (1) Section 67 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

``(1) On the first day of each fishing year, the chief executive must allocate to each quota owner the person's annual catch entitlement for any quota management stock that has been generated under section 66."

(2) Section 67 of the principal Act is amended by repealing subsections (2), (2A), (3), and (4).

(3) Section 67 of the principal Act is amended by repealing subsection (2B), and substituting the following subsection:

``(2B) If between the beginning of a fishing year and the beginning of the Foveaux Strait dredge oyster season in that year there is an increase in the total allowable commercial catch for Foveaux Strait dredge oysters,---

``(a) The chief executive must calculate the amount of annual catch entitlement that each person would have received under subsection (1) if the altered total allowable commercial catch had been in effect at the beginning of the fishing year, and an annual catch entitlement had been generated under section 66 accordingly; and

``(b) The chief executive must, on or before the first day of the Foveaux Strait dredge oyster season, allocate to each person who receives an amount of annual catch entitlement under subsection (1) for Foveaux Strait dredge oysters a further

amount of annual catch entitlement for that stock calculated in accordance with the following formula:

$$a - b = c$$

where---

a is the amount calculated under paragraph (a) in respect of the person; and

b is the amount of annual catch entitlement allocated to the person under subsection (1); and

c is the amount of annual catch entitlement to be allocated under this subsection."

(4) Section 67 (6) of the principal Act is amended by omitting the words "Subject to subsection (3) of this section, any", and substituting the word "Any".

24. New sections inserted--- The principal Act is amended by inserting, after section 67, the following sections:

"67A. Allocation of additional annual catch entitlement in case of underfishing--- (1) As soon as practicable after the 15th day after the end of the fishing year for each stock ('the first fishing year'), the chief executive must, for each person who, as at that date, owns annual catch entitlement for the first fishing year for that stock, compare---

"(a) The annual catch entitlement for that stock (other than annual catch entitlement created under section 68) for the first fishing year owned by the person as at the close of the 15th day after the end of that fishing year; and

"(b) The reported catch (if any) for that stock, calculated in accordance with regulations made for that purpose under section 297, taken by that person during the first fishing year.

"(2) If the amount of annual catch entitlement referred to in subsection (1) (a) is greater than the reported catch referred to in subsection (1) (b), the chief executive must---

"(a) Calculate the difference between that annual catch entitlement and that reported catch; and

"(b) Subject to subsection (5), allocate to the person an amount of annual catch entitlement for the stock for the fishing year after the first fishing year ('the second fishing year') that is the lesser of the following:

"(i) The amount calculated under paragraph (a);

"(ii) 10% of the amount of annual catch entitlement referred to in subsection (1) (a).

"(3) This section does not apply to---

"(a) A stock listed in Schedule 5A; or

"(b) A stock for which the total allowable commercial catch at the beginning of the second fishing year is less than the total allowable commercial catch applying at the close of the first fishing year.

“(4) The chief executive must allocate annual catch entitlement under this section as soon as practicable after the 15th day after the end of the first fishing year.

“(5) The amount of annual catch entitlement allocated under subsection (2) must be rounded up or rounded down by the chief executive to the nearest kilogramme or, in the case of Foveaux Strait dredge oysters, to the nearest whole number of oysters.

“(6) Any annual catch entitlement allocated under subsection (2)---

“(a) Is in addition to any annual catch entitlement generated under section 66 or created under section 68; and

“(b) Has effect for all purposes under this Act on and from the date of the allocation.

“(7) The chief executive must, as soon as practicable after allocating any annual catch entitlement under subsection (2),---

“(a) Notify every person to whom annual catch entitlement has been allocated under this section of the amount of annual catch entitlement allocated to that person; and

“(b) Ensure that the amount of annual catch entitlement allocated is registered on the Annual Catch Entitlement Register.

“67B. Amendments to Schedule 5A--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, amend Schedule 5A by---

“(a) Adding 1 or more stocks to that schedule:

“(b) Omitting 1 or more stocks from that schedule.

“(2) An Order in Council made under subsection (1) takes effect on and from the first day of the next fishing year for the stocks concerned.

“(3) Before recommending the making of an Order in Council under subsection (1), the Minister must consult with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the stocks subject to the order.”

25. Minimum holdings of annual catch entitlement--- (1) Section 74 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) No commercial fisher may take any stock listed in the Eighth Schedule unless the fisher holds, at the time of the taking, the minimum amount of annual catch entitlement that is specified in that schedule in relation to that stock.”

(2) Section 74 (3) of the principal Act is amended by omitting the words “or paragraph (ca)”.

(3) Section 74 of the principal Act is amended by repealing subsections (6) and (11).

(4) Section 74 of the principal Act is amended by repealing subsections (7), (8), and (9), and substituting the following subsections:

“(7) Subject to subsections (8) and (9), the Governor-General may from time to time, by Order in Council, amend the Eighth Schedule by---

- “(a) Adding 1 or more stocks to that schedule:
- “(b) Omitting 1 or more stocks from that schedule:
- “(c) Specifying a minimum holding of annual catch entitlement for any stocks being added to that schedule:
- “(d) Increasing or reducing a minimum holding of annual catch entitlement for any stocks listed in that schedule.

“(8) An Order in Council made under subsection (7) takes effect on the commencement of the following fishing year for the stocks concerned.

“(9) No Order in Council may be made under subsection (7) except on the recommendation of the Minister following consultation by the Minister with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the stocks subject to the order.

“(9A) The Minister may make a recommendation under subsection (9)---

- “(a) On the Minister's own initiative; or
- “(b) On request by quota owners who hold in the aggregate at least 75 000 000 quota shares in that stock.

“(9B) A request under subsection (9A) (b) must---

- “(a) Specify the concerns (if any) of the quota owners who do not support the proposal; and
- “(b) Specify what arrangements are in place to address those concerns.”

(5) Section 74 of the principal Act is amended by repealing subsection (12), and substituting the following subsection:

“(12) If a person contravenes subsection (1) or subsection (2), the person commits an offence and is liable to the penalty set out in section 252 (5).”

26. New sections substituted--- The principal Act is amended by repealing section 75, and substituting the following sections:

“75. Minister to set deemed value rates--- (1) For each quota management stock, the Minister must, by notice in the Gazette, set an interim deemed value rate and an annual deemed value rate for that stock, and those rates continue to apply in each fishing year for that stock until varied under this section.

“(2) In setting an interim deemed value rate or an annual deemed value rate, the Minister---

- “(a) Must take into account the need to provide an incentive for every commercial fisher to acquire or maintain sufficient annual catch entitlement in respect of each fishing year that

is not less than the total catch of that stock taken by that commercial fisher; and

“(b) May have regard to---

“(i) The desirability of commercial fishers landing catch for which they do not have annual catch entitlement; and

“(ii) The market value of the annual catch entitlement for the stock; and

“(iii) The market value of the stock; and

“(iv) The economic benefits obtained by the most efficient commercial fisher, licensed fish receiver, retailer, or any other person from the taking, processing, or sale of the fish, aquatic life, or seaweed, or of any other fish, aquatic life, or seaweed that is commonly taken in association with the fish, aquatic life, or seaweed; and

“(v) The extent to which catch of that stock has exceeded or is likely to exceed the total allowable commercial catch for the stock in any year; and

“(vi) Any other matters that the Minister considers relevant.

“(3) The Minister must set annual deemed value rates for a stock that are greater than interim deemed value rates set for that stock.

“(4) The Minister may set different annual deemed value rates in respect of the same stock which apply to different levels of catch in excess of annual catch entitlement.

“(5) The Minister may set an interim deemed value rate and an annual deemed value rate in respect of fish, aquatic life, or seaweed landed and received by a licensed fish receiver in the Chatham Islands that is different from the deemed value rate set in respect of fish, aquatic life, or seaweed of the same stock landed and received by a licensed fish receiver elsewhere.

“(6) The Minister must not---

“(a) Have regard to the personal circumstances of any individual or class of person liable to pay the deemed value of any fish, aquatic life, or seaweed; or

“(b) Set separate deemed value rates in individual cases--- when setting an interim deemed value rate or an annual deemed value rate.

“(7) Any interim or annual deemed value rate set under this section may be varied by the Minister in the same manner, and any rate set or varied under this section takes effect on the first day of the next fishing year for the stock concerned.

“75A. Requirement to consult in relation to deemed values--- Before setting any interim deemed value rate or annual deemed value rate under section 75, the Minister must, if practicable, consult persons or organisations that the Minister considers represent classes of persons who have an interest in the stock, including Maori, recreational, commercial, and environmental interests.

“75B. Limitation period for challenges to deemed values--- (1) A court

must not hear or determine, and no person may make or commence, an application or other proceeding in respect of a decision or purported decision of the Minister to set an interim deemed value rate or an annual deemed value rate unless the application is, or the proceedings are, made or commenced within 3 months after the date on which the decision, or purported decision, is notified in the Gazette.

“(2) This section applies despite any other enactment or rule of law.”

27. Catch to be counted against annual catch entitlement--- (1) Section 76 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

“(1) In this section and in sections 78, 79, and 80, unless the context otherwise requires, ‘commercial fisher’ means any person who held a fishing permit at any time during the relevant fishing year.

“(1A) As soon as practicable after the 15th day of each month (other than the first month) of every fishing year, the chief executive must, in accordance with regulations made for that purpose under section 297, in respect of every commercial fisher,---

“(a) Compare---

“(i) The annual catch entitlement for each stock (if any) for the fishing year owned by that commercial fisher as at the close of the 15th day of that month; and

“(ii) The reported catch for that stock (in kilogrammes) calculated in accordance with regulations made for that purpose under section 297, taken by that commercial fisher during the fishing year up to the end of the preceding month; and

“(b) Calculate, in respect of each stock, whether that commercial fisher’s annual catch entitlement referred to in paragraph (a) (i) exceeds that commercial fisher’s reported catch referred to in paragraph (a) (ii).

“(1B) As soon as practicable after the 15th day after the end of the fishing year for each stock, the chief executive must, in accordance with regulations made for that purpose under section 297, in respect of every commercial fisher,---

“(a) Compare---

“(i) The annual catch entitlement for each stock (if any) for the relevant fishing year owned by that commercial fisher as at the close of the 15th day after the end of the fishing year; and

“(ii) The reported catch for that stock (in kilogrammes), calculated in accordance with regulations made for that purpose under section 297, taken by that commercial fisher during the fishing year up to the end of the fishing year; and

“(b) Calculate, in respect of each stock, whether that commercial fisher’s annual catch entitlement referred to in paragraph (a) (i) exceeds that commercial fisher’s reported catch referred to in paragraph (a) (ii).”

(2) Section 76 (2) of the principal Act is amended---

(a) By omitting the words “subsection (1) of this section”, and

substituting the expression ``subsection (1A)'':

- (b) By inserting, after the words ``the amount of'', the word ``interim''.

(3) Section 76 of the principal Act is amended by inserting, after subsection (2), the following subsections:

``(2A) Subject to subsection (2B), following the calculation referred to in subsection (1B), the chief executive must calculate the amount of annual deemed value (if any) that is to be demanded from the commercial fisher in accordance with regulations made for the purpose under section 297, and must demand the amount.

``(2B) In calculating the amount of annual deemed value to be demanded from a commercial fisher, the chief executive must credit the commercial fisher with interim deemed value amounts demanded in respect of the relevant stock in the relevant fishing year (other than demanded amounts that have been remitted under subsection (2)).

``(2C) For the sole purpose of determining an appropriate annual deemed value under this section, if a fisher to whom subsection (1B) applies holds no annual catch entitlement for a stock in respect of which the Minister has set different deemed value rates under section 75 (4), that fisher is deemed to hold 1 kilogramme of annual catch entitlement for that stock."

(4) Section 76 (3) of the principal Act is amended---

- (a) By inserting after the words ``amount of'', the word ``interim'':

- (b) By inserting in paragraph (b), after the word ``year'', the words ``and within the time limit specified in section 134'':

- (c) By repealing paragraph (c).

(5) Section 76 of the principal Act is amended by inserting, after subsection (3), the following subsection:

``(3A) A demand for an amount of annual deemed value made by the chief executive under this section must be satisfied by payment of the sum of money so demanded."

28. New sections substituted--- (1) The principal Act is amended by repealing sections 77 and 78, and substituting the following sections:

``77. Over-fishing thresholds--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister,---

- ``(a) Specify quota management stocks to which over-fishing thresholds apply:

- ``(b) Set over-fishing thresholds for those stocks:

- ``(c) Specify, for each of those stocks, whether a tolerance level applies and, if so, specify the tolerance level.

``(2) An over-fishing threshold for a stock---

- ``(a) Is a specified percentage in excess of the annual catch

entitlement held by a commercial fisher for the stock to which it relates:

“(b) Takes effect on the first day of the fishing year that commences next after the relevant order under subsection (1) is made.

“(3) An order made under subsection (1) may set different over-fishing thresholds for different stocks.

“(4) A tolerance level for a stock---

“(a) Is a specified amount or an amount calculated in accordance with a formula set out in the order:

“(b) Takes effect on the first day of the fishing year that commences next after the relevant order under subsection (1) is made.

“(5) An order made under subsection (1) may set different tolerance levels for different stocks.

“(6) Before making a recommendation under subsection (1), the Minister must consult with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the over-fishing thresholds to which the recommendation relates.

“77A. Matters to be taken into account when recommending over-fishing thresholds--- Before making a recommendation under section 77 (1), the Minister may have regard to---

“(a) The effectiveness of deemed values in encouraging commercial fishers to acquire or maintain sufficient annual catch entitlement to cover their total catch; and

“(b) The particular need, in relation to target stocks, to encourage commercial fishers to acquire or maintain sufficient annual catch entitlement to cover their total catch; and

“(c) Actual or potential risks to the sustainability of the stock; and

“(d) Any other matters that the Minister considers relevant.

“78. Catch in excess of over-fishing thresholds--- (1) If, following the calculation referred to in section 76 (1A),---

“(a) A commercial fisher's reported catch for a stock exceeds that commercial fisher's annual catch entitlement for that stock; and

“(b) That excess is equal to or greater than the over-fishing threshold for that stock, and, where a tolerance level applies to that stock, is greater than that tolerance level,---

then the current fishing permit of the commercial fisher and any associated person, and any permit subsequently issued to that commercial fisher and any associated person, are each deemed to contain a condition prohibiting the taking of any fish, aquatic life, or seaweed in the geographic area that is the quota management area for that stock, and that condition takes effect as from the close of the month in which the calculation in section 76 (1A) is done.

“(2) Despite subsection (1), the chief executive may approve the taking of fish, aquatic life, or seaweed in an area by a fisher who would otherwise be subject to the prohibition imposed by that

subsection, and the chief executive may impose any conditions that he or she considers necessary to reduce the risk of the fisher taking the stock for which the fisher exceeded the over-fishing threshold.

“(3) Conditions imposed under subsection (2) may relate to stocks, area, quantities, methods, the use or non-use of vessels, the specific vessel or types of vessels that may be used, and types and amounts of fishing gear, or otherwise.

“(4) No commercial fisher may take any fish, aquatic life, or seaweed in contravention of a condition imposed by subsection (1) unless---

“(a) The commercial fisher has obtained the prior approval of the chief executive to take fish, aquatic life, or seaweed in that area; and

“(b) The taking is in accordance with any conditions imposed by the chief executive.

“(5) Conditions imposed by subsection (1) or under subsection (2) cease to apply---

“(a) When the commercial fisher owns an amount of annual catch entitlement for the stock equal to or greater than the commercial fisher's total reported catch of that stock in the fishing year; or

“(b) At the close of the relevant fishing year,---
whichever happens first.

“(6) If a person takes any fish, aquatic life, or seaweed in contravention of any conditions imposed by subsection (1) or under subsection (2), the person commits an offence and is liable to the penalty set out in section 252 (3).”

(2) Section 303 (2) of the principal Act is consequentially amended by omitting the expression “77,”.

29. Suspension of permit for non-payment of deemed value--- Section 79 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) If the total amount of deemed values owed by any commercial fisher exceeds \$1,000 and has not been satisfied within the time limit specified in section 76 (5), the current fishing permit of the commercial fisher and any associated person, and any permit subsequently issued to that commercial fisher and associated person, are, on the expiration of that time limit, deemed to be suspended until the total amount of all outstanding deemed values owed by that commercial fisher is \$1,000 or less.”

30. Conclusive notification--- (1) Section 80 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

“(1) The chief executive must, for each stock for which a commercial fisher holds an annual catch entitlement or has reported catch, notify the commercial fisher in writing of such matters as are specified for the purpose in any regulations made under section 297.

“(1A) A notification under subsection (1) must be made as soon as practicable after the date specified for the purpose in regulations made under section 297.”

(2) Section 80 of the principal Act is amended by repealing subsection (8), and substituting the following subsection:

“(8) Every notification given under this section is presumed to be conclusive for the purpose of this Act.”

(3) The principal Act is consequentially amended by repealing the heading immediately preceding section 80, and substituting the heading “Conclusive Notification”.

31. All fishing to be authorised by fishing permit unless specific exemption held--- (1) Section 89 (6) (c) of the principal Act is amended by inserting, after the word “persons” where it secondly appears, the words “(if any)”.

(2) Section 89 of the principal Act is amended by repealing subsection (8), and substituting the following subsection:

“(8) The chief executive may impose a condition on a fishing permit under section 92 (1) that authorises the taking of freshwater eels limiting the total number of persons who may be named in any agreement under subsection (5).”

32. Issue of fishing permit--- (1) Section 91 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to subsections (2) to (6) and to sections 93 and 93A, the chief executive must issue to every person who applies for a fishing permit under this Act an appropriate fishing permit in the approved form for a period not exceeding 5 years.”

(2) Section 91 of the principal Act is amended by repealing subsections (4) and (5), and substituting the following subsections:

“(4) Despite section 93 but subject to section 306 of the Ngā-i Tahu Claims Settlement Act 1998, the chief executive may issue a fishing permit under this section for any beach cast seaweed, except seaweed to which section 89 (2) (f) of this Act applies.

“(5) Before issuing a fishing permit to an applicant, the chief executive may require the applicant to provide a suitable third party guarantee, or bond, in an amount specified by the chief executive.

“(6) No fishing permit may be issued to any person where that person, or any associated person,---

“(a) Has unpaid deemed value amounts in excess of \$1,000 that are overdue; or

“(b) Is the holder of a fishing permit to which conditions apply by virtue of or under section 78 (1) or (2).”

33. Fishing permit may be issued subject to conditions--- Section 92 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

- “(1) A fishing permit---
- “(a) Must state whether or not it authorises the taking of stocks that are subject to the quota management system; and
- “(b) Must specify any other stocks that may be taken under the permit; and
- “(c) May be subject to any conditions that the chief executive considers appropriate, including conditions relating to---
 - “(i) Areas, quantities, or methods:
 - “(ii) The use or non-use of vessels, and the specific vessel or types of vessel (if any) that may be used:
 - “(iii) Types and amounts of fishing gear:
 - “(iv) The taking or handling of fish, aquatic life, or seaweed:
 - “(v) Places where fish, aquatic life, or seaweed may be landed:
 - “(vi) Periods of time within which the permit holder may take fish, aquatic life, or seaweed."

34. Qualification for holding fishing permit and moratorium--- Section 93 (1) of the principal Act is amended by omitting the words “No fishing permit”, and substituting the words “Subject to section 93A, no fishing permit”.

35. New sections inserted--- The principal Act is amended by inserting, after section 93, the following sections:

“93A. Fishing permits subject to moratorium issued to related persons on death of fishing permit holder--- (1) Despite section 93, where a fishing permit has been issued under section 91 in respect of any species of fish (other than tuna), aquatic life, or seaweed, that is not for the time being subject to a quota management system, and the fishing permit holder has died, the chief executive may, under section 91 and in accordance with this section, issue a new fishing permit to a person related to the deceased fishing permit holder.

“(2) A new fishing permit may not be issued under section 91 on the death of a fishing permit holder unless an applicant satisfies the chief executive that the applicant---

- “(a) Is a person related to the deceased fishing permit holder; and
- “(b) At the time of the death of the deceased, was dependent on the income earned by the deceased fishing permit holder, through use by the deceased of the fishing permit.

“(3) Without limiting any other provisions of this Act, any conditions and obligations that applied to the deceased's fishing permit will apply to any new fishing permit issued under section 91 and in accordance with this section.

“(4) The chief executive may require that any documents or information produced for the purposes of subsection (2) be verified by

oath or statutory declaration of the applicant or of some other person related to the deceased fishing permit holder.

“(5) Where the chief executive receives more than 1 application under this section in relation to the fishing permit of the same deceased person, the chief executive must allocate the new fishing permit according to---

- “(a) The level of dependency referred to in subsection (2); and
- “(b) The ability of the applicant to exercise the rights and obligations of fishing permit holders.

“(6) Despite any other provision of this section, no new fishing permit may be issued under section 91 if---

- “(a) The fishing permit holder died before 1 October 1996; or
- “(b) The deceased did not hold a current fishing permit at the date of his or her death.

“(7) For the purposes of this section, a person related to the deceased fishing permit holder means a person connected to the other person by blood relationship, marriage, or adoption; and, for the purposes of this subsection,---

- “(a) Persons are connected by blood relationship if within the second degree of relationship;
- “(b) Persons are connected by marriage if one is married to the other, or if one has a relationship in the nature of marriage with the other;
- “(c) Persons are connected by adoption if one has been adopted as the child of the other or as a child of a person who is connected by marriage to the other.

“(8) This section does not apply to tuna.

“93B. Expiry of section 93A--- Section 93A expires with the close of 30 September 2007 and, on its expiration, the chief executive must revoke all current fishing permits issued before the close of that date in accordance with that section.”

36. Revocation of fishing permit--- Section 96 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) If the chief executive revokes a fishing permit under section 305A,---

- “(a) The fishing permit must be immediately cancelled; and
- “(b) The holder must ensure that the fishing permit and any duplicates are forthwith surrendered to the chief executive; and
- “(c) No fish, aquatic life, or seaweed taken after the date of the supply of the false or misleading information may be regarded as eligible catch for the purposes of section 34; and
- “(d) No individual catch entitlement under the permit entitles the holder to an allocation of any quota.”

37. Matters to be shown in Permit Register and Fishing Vessel Register--- The principal Act is amended by repealing sections 100 and

101, and substituting the following section:

“100. The Permit Register and the Fishing Vessel Register must each contain all the particulars required by regulations made under section 297.”

38. Fishing vessels must be registered--- (1) Section 103 (5) of the principal Act is amended by inserting, after the words “any vessel,” the words “or if a vessel is owned or operated by an overseas person who is exempt under section 56 (2) or who is granted permission under section 57,”.

(2) Section 103 of the principal Act is amended by inserting, after subsection (6), the following subsection:

“(6A) This section does not require that a vessel be registered merely because it is used to take fish, aquatic life, or seaweed produced as part of a lawful fish farming operation.”

39. Cancellation of registration of fishing vessel---(1) Section 107 of the principal Act is amended by repealing subsections (1) and (2).

(2) Section 107 of the principal Act is amended by repealing subsection (6), and substituting the following subsection:

“(6) The chief executive must, as soon as practicable, ensure that the registration of a vessel is cancelled if---

“(a) The vessel is forfeit to the Crown; or

“(b) The chief executive has decided, on reasonable grounds and after receipt of advice from the Secretary of Labour, that a breach of any statutory provision referred to in section 103 (5) has occurred.”

40. Fish on registered vessel deemed to have been taken for purpose of sale--- Section 111 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) For the purposes of this Act, all fish, aquatic life, or seaweed that is on board, or landed from, or transhipped from, any fishing vessel or fish carrier registered under this Act is deemed to have been taken or possessed for the purpose of sale, unless---

“(a) The taking or possession of the fish, aquatic life, or seaweed was in accordance with a general or particular approval of the chief executive and with any conditions imposed on that approval; and

“(b) The taking or possession occurred after that approval was given.”

41. Chief executive to have use of seal--- The principal Act is amended by repealing section 126, and substituting the following section:

“126. (1) The chief executive must have and use a seal that includes the words ‘Registry of Quota, New Zealand’ or ‘Registry of Annual Catch Entitlement, New Zealand’, as the case may be.

“(2) Every document bearing the imprint of the chief executive's seal, and purporting to be signed or issued by the chief executive or a person authorised to sign on the chief executive's behalf is, in the absence of proof to the contrary, deemed to be signed or issued by or under the direction of the chief executive.”

42. Matters to be shown in Annual Catch Entitlement Register--- Section 128 (1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) The amount of annual catch entitlement that is allocated under section 67 or section 67A, and held by any person:

“(ba) The amount of annual catch entitlement that is allocated under section 68, and held by any person:”.

43. Types of caveats--- Section 147 (b) of the principal Act is amended by omitting the expression “section 273”, and substituting the expression “section 268”.

44. Caveat against transfer of quota or annual catch entitlement---Section 149 (1) (c) of the principal Act is amended by omitting the expression “section 273”, and substituting the expression “section 268”.

45. Registration procedure--- Section 159 (b) of the principal Act is amended by omitting the words “, within 2 days (which days are days on which the register is open) after the date of registration,”.

46. Person claiming under operation of law may apply to have interest registered--- (1) Section 161 (1) of the principal Act is amended by inserting, after the word “shares,”, the words “or the holder of any provisional catch history,”.

(2) Section 161 (2) of the principal Act is amended by inserting, after the word “shares,”, the words “or as the holder of any provisional catch history,”.

(3) Section 161 of the principal Act is amended by adding the following subsection:

“(3) Every application in relation to provisional catch history must be submitted within the transfer period referred to in section 37 (2).”

47. Procedure on application--- Section 162 of the principal Act is amended by inserting, after the word “quota,”, the words “or as the holder of any provisional catch history,”.

48. Compensation for mistake or wrongdoing in keeping of registers--- Section 171 of the principal Act is amended by repealing subsection (1), and substituting the following subsections:

“(1) This section applies to any person who---

“(a) Sustains loss or damage through any omission, mistake, or wrongdoing of the chief executive or, as the case may be, an approved service delivery organisation who is responsible under this Act for keeping a register under section 98 or section

124, in the exercise of functions connected with the keeping of that register; or

“(b) Is deprived of the rights in respect of which the person is registered as owner or mortgagee of any individual transferable quota---

“(i) By the registration of any other person as the owner or as mortgagee, as the case may be; or

“(ii) By any error, omission, or misdescription in any record in respect of such quota kept by the chief executive or, as the case may be, an approved service delivery organisation who is responsible for keeping the Quota Register, or in any entry or memorial in the Quota Register; or

“(c) Sustains any loss or damage by the wrongful inclusion in any such record of a statement about ownership or any mortgage of quota,---

and who, by virtue of section 168 or section 170, is unable to bring an action in respect of that quota or that interest as owner or mortgagee, as the case may be.

“(1A) A person to whom this section applies may bring an action for recovery of damages against---

“(a) The Crown, if the relevant register was kept by the chief executive at the time of the mistake or wrongdoing; or

“(b) If the functions, duties, and powers connected with the keeping of the register were performed or exercised by an approved service delivery organisation under section 296B at the time of the mistake or wrongdoing, that approved service delivery organisation."

49. Notice of action to be served on Attorney-General and Registrar--- Section 172 (1) (a) of the principal Act is amended by omitting the expression "section 171 of this Act", and substituting the expression "section 171 (1A) (a)".

50. Crown caveats preventing registration of transactions--- (1) Section 214 (1) of the principal Act is amended---

(a) By omitting from paragraph (a) the words "section 255 of this Act", and substituting the words "section 255C or section 255D":

(b) By omitting the words "direct the Registrar to register a caveat", and substituting the words "direct that a caveat be registered under this Act".

(2) Section 214 of the principal Act is amended by repealing subsection (8), and substituting the following subsection:

“(8) On any decision being made not to lay an information or charge against the person, the chief executive must immediately arrange for any caveat registered in accordance with a direction under subsection (1) to be cancelled."

51. Breach of conditions or requirements---Section 228 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) Every person commits an offence who contravenes, or fails to comply with,---

“(a) Any sustainability measure implemented by notice in the Gazette under section 11 (4) (b) (i); or

“(b) Any condition or requirement imposed by the chief executive in respect of any consent, approval, authority, permission, or certificate issued or granted under this Act (other than a requirement to pay a sum of money).”

52. Knowingly making false statement or using false document to obtain benefit--- Section 231 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) A person commits an offence if the person knowingly, for the purpose of obtaining any benefit under this Act,---

“(a) Makes any false or misleading statement; or

“(b) Omits any information---

in any communication, application, record, or return prescribed by or in accordance with this Act, or required for its administration.”

53. Proceedings for offences--- Section 236 of the principal Act is amended by adding the following subsection:

“(3) No prosecution for an offence against this Act may be commenced except by---

“(a) The chief executive; or

“(b) The chief executive of the department for the time being responsible for the administration of the Conservation Act 1987; or

“(c) Any fishery officer; or

“(d) The Fish and Game Council in any district in which an offence has been committed or an offender is found.”

54. Strict liability--- Section 240 of the principal Act is amended by inserting, after the expression “section 235”, the words “or section 257 (2) or section 296B (5) or section 296ZC (3) (b) or (3) (c)”.

55. Defence available under this Act--- (1) Section 241 (1) of the principal Act is amended---

(a) By inserting, after the expression “section 235”, the words “or section 257 (2) or section 296B (5) or section 296ZC (3) (b) or (c)”:

(b) By omitting from paragraph (b) the words “annual catch entitlement”, and substituting the words “other authorisation issued under this Act”:

(c) By inserting in paragraph (b) (ii), after the words “complied with all the”, the word “material”.

(2) Section 241 (2) of the principal Act is repealed.

56. Liability of companies and persons for actions of agent or employees--- (1) Section 245 (3) (d) of the principal Act is amended by adding the expression “; and”.

(2) Section 245 (3) of the principal Act is amended by adding the

following paragraph:

- “(e) Whether or not the person or body corporate had taken all reasonable steps and exercised due diligence to control the activities of the relevant person referred to in subsection (1) (a) or (b) or subsection (2) (a) or (b), to ensure that the act or omission did not occur.”

57. Liability of directors and managers--- The principal Act is amended by repealing section 246, and substituting the following section:

“246. (1) If a body corporate commits an offence against this Act, every director, and every person concerned in the management of the body corporate, also commits an offence if it is proved that---

- “(a) The act or omission that constituted the offence took place with the director's or person's authority, permission, or consent;
or
- “(b) The director or person knew or should have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

“(2) Every person to whom subsection (1) applies is liable on conviction to the appropriate penalty specified by this Act in respect of the provision creating the offence.

“(3) A person may be convicted of an offence against this section even though the body corporate has not been charged with that offence or a similar offence.”

58. Penalties--- (1) Section 252 (1) of the principal Act is amended by adding the following paragraphs:

- “(d) Section 296B (5) (approved service delivery organisation knowingly falsifying information):
- “(e) Section 296ZC (3) (b) (approved service delivery organisation knowingly supplying false or misleading information to the Minister):
- “(f) Section 296ZC (3) (c) (approved service delivery organisation knowingly omitting material particular in information supplied to the Minister).”

(2) Section 252 (3) (a) of the principal Act is repealed.

(3) Section 252 (3) of the principal Act is amended by repealing paragraph (c), and substituting the following paragraphs:

- “(c) Section 78 (1) (fishing in breach of a permit condition):
- “(ca) Section 78 (2) (fishing in breach of a condition imposed by the chief executive):”.

(4) Section 252 (3) of the principal Act is amended by adding the following paragraphs:

- “(o) Section 271 (2) (failure to keep or provide records or returns):
- “(p) Section 296ZC (3) (a) (failure by an approved service delivery organisation to supply information to the Minister):
- “(q) Section 296ZD (2) (failure by an approved service delivery organisation to have information audited).”

(5) Section 252 (5) (j) of the principal Act is amended by omitting the word ``approvals'', and substituting the word ``requirements''.

59. New sections substituted--- The principal Act is amended by repealing section 255, and substituting the following sections:

``255. Interpretation--- In sections 255A to 256, unless the context otherwise requires,---

`` `Fish and any proceeds from the sale of such fish' means any fish, aquatic life, or seaweed in respect of which the offence was committed (whether or not seized under section 207) and any proceeds from the sale of such fish, aquatic life, or seaweed under section 212:

`` `Property used in the commission of the offence'---

``(a) Means any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment, or thing used in respect of the commission of the offence (whether or not seized under section 207); but

``(b) Does not include any quota or annual catch entitlement:

`` `Quota', in relation to a person convicted of an offence, means the number of quota shares or amount of provisional catch history, for each stock, that is equivalent to the number or amount held by that person, and any person who is an associated person in relation to that person, for the stock at the date of the commission of the offence:

`` `Serious non-commercial offence' means any offence specified as such in regulations made under section 297.

``255A. Forfeiture for infringement offence--- (1) Subsection (2) applies if an infringement notice is issued to a person in respect of an infringement offence against this Act and any of the following occurs:

``(a) The infringement fee for the offence is paid; or

``(b) A copy of a reminder notice in respect of the infringement offence is filed in a District Court under subsection (3) of section 21 of the Summary Proceedings Act 1957 within the time specified in subsection (5) of that section; or

``(c) The informant and the defendant, in respect of the infringement notice, enter into an arrangement under section 21 (3A) of the Summary Proceedings Act 1957 allowing the defendant to pay the relevant infringement fee by instalments; or

``(d) The person is found guilty, or admits the commission, of the infringement offence.

``(2) The following are forfeit to the Crown unless (if subsection (1) (d) applies) the Court for special reasons relating to the offence orders otherwise:

``(a) Any fish of an amount or quantity not exceeding 3 times the amateur individual daily prescribed limit; and

``(b) Any proceeds from the sale of that fish.

``255B. Forfeiture where person discharged or liable to fine up to \$100,000--- (1) Subsection (2) applies in the following cases:

``(a) On the discharge of any person without conviction under section

19 of the Criminal Justice Act 1985 in respect of any offence against this Act:

- “(b) Where a person is proceeded against summarily (other than by way of an infringement notice) in respect of an infringement offence against this Act and is found guilty of, or pleads guilty to, the offence:
- “(c) On conviction for an offence against this Act for which the person is liable to a fine not exceeding \$10,000 (other than an offence referred to in section 255C):
- “(d) On conviction for an offence against this Act (other than an offence referred to in section 255C) for which the person is liable to a fine exceeding \$10,000 but not exceeding \$100,000.

“(2) The following are forfeit to the Crown unless the Court for special reasons relating to the offence orders otherwise:

- “(a) Any fish and any proceeds from the sale of such fish; and
- “(b) Any illegal fishing gear in respect of which the offence was committed (whether or not seized under section 207).

“(3) On conviction of a person for an offence referred to in subsection (1) (d), the Court may order that any property used in the commission of the offence is forfeit to the Crown.

“255C. Forfeiture for section 252 (2), (3), and (5) offences, offences carrying fine of \$100,000, repeat offences, and serious non-commercial offences--- (1) Subsection (2) applies in the following cases:

- “(a) On conviction for an offence referred to in section 252 (2) or (3) or (5):
- “(b) On conviction for an offence against this Act for which the person is liable to a fine of \$100,000:
- “(c) On conviction for a serious non-commercial offence:
- “(d) Where a person has been convicted of 2 or more offences against this Act and---
 - “(i) The offences were committed on more than 1 occasion within a period of 3 years; and
 - “(ii) The offences were offences for which the person was liable to a fine exceeding \$5,000.

“(2) The following are forfeit to the Crown unless the Court for special reasons relating to the offence orders otherwise:

- “(a) Any fish and any proceeds from the sale of such fish; and
- “(b) Any illegal fishing gear in respect of which the offence was committed (whether or not seized under section 207); and
- “(c) Any property used in the commission of the offence.

“(3) On conviction of a person for an offence referred to in section 252 (2) or (3), the Court may order that any quota is forfeit to the Crown.

“255D. Forfeiture for section 252 (1) or (4) offence--- (1) Subsection (2) applies on conviction for an offence referred to in section 252 (1) or (4).

“(2) The following are forfeit to the Crown unless the Court for special reasons relating to the offence orders otherwise:

- “(a) Any fish and any proceeds from the sale of such fish; and
- “(b) Any illegal fishing gear in respect of which the offence was committed (whether or not seized under section 207); and
- “(c) Any property used in the commission of the offence; and
- “(d) Any quota.

“255E. General provisions relating to forfeiture--- (1) If any property, fish, aquatic life, seaweed, or quota is forfeited to the Crown under this Act, such property, fish, aquatic life, seaweed, or quota, despite section 168, vests in the Crown absolutely and free of all encumbrances.

“(2) For the avoidance of doubt, any vessel used by the offender to take or transport fish, aquatic life, or seaweed must be treated as property used in the commission of the offence if the fish, aquatic life, or seaweed is the subject of an offence against---

- “(a) Section 230 or section 231; or
- “(b) Regulations made under section 297 or section 298 or section 299, which regulations relate to---
 - “(i) Making any false or misleading statements in any return; or
 - “(ii) Omitting any information in any return; or
 - “(iii) Completing, keeping, or providing any return.

“(3) At the time of conviction of any offence against this Act, the Court must determine what, if any, of the following is forfeit under any of sections 255A to 255D:

- “(a) Fish and any proceeds from the sale of such fish;
- “(b) Illegal fishing gear;
- “(c) Property used in the commission of the offence;
- “(d) Quota.

“(4) For the purposes of section 19 of the Criminal Justice Act 1985, any forfeiture referred to in any of sections 255A to 255D must be treated as a minimum penalty in respect of the commission of an offence, except to the extent that the Court for special reasons relating to the offence orders that the property, illegal fishing gear, fish, and any proceeds from the sale of such fish and quota not be forfeit.

“(5) Nothing in any of sections 255A to 255D applies to any offence against a provision in Part 15A.”

60. Provisions relating to forfeit property--- (1) Section 256 (1) of the principal Act is amended by repealing paragraph (b) of the definition of the term “forfeit property”, and substituting the following paragraph:

- “(b) Property used in the commission of the offence; or”.

(2) Section 256 (1) of the principal Act is amended by omitting from the definition of the term “forfeit property” the words “section 255 of this Act”, and substituting the words “any of sections 255A to 255D”.

(3) Section 256 (2) of the principal Act is amended by omitting the words "section 255 of this Act", and substituting the words "any of sections 255A to 255D".

(4) Section 256 (3) of the principal Act is amended by inserting, after the words "the forfeiture", the words "or within such further period before the property is disposed of as the Court may allow".

(5) Section 256 (4) of the principal Act is amended by omitting the words "subsection (2) of this section", and substituting the expression "subsection (3)".

(6) Section 256 (6) (c) of the principal Act is amended by omitting the words "section 255 (4) (c) of this Act", and substituting the expression "section 255C or section 255D".

(7) Section 256 (7) of the principal Act is amended by omitting the words "subsections (8) and (9) of this section", and substituting the expression "subsection (8)".

(8) Subsections (9) and (10) of section 256 of the principal Act are repealed.

(9) Section 256 (14) of the principal Act is amended by omitting the words "section 255 of this Act", and substituting the words "any of sections 255A to 255D".

61. Prohibition of fishing activity in case of reoffending--- Section 257 (2) of the principal Act is amended by inserting, after the word "who", the word "knowingly".

62. New heading and sections inserted--- The principal Act is amended by inserting, after section 260, the following heading and sections:

"Infringement Offences

"260A. Infringement offences--- (1) If a fishery officer has reason to believe that a person has committed an infringement offence, the fishery officer may---

- "(a) Commence proceedings against the person for the alleged offence by laying an information under the Summary Proceedings Act 1957; or
- "(b) Issue an infringement notice in respect of the alleged offence.

"(2) Despite anything in section 21 of the Summary Proceedings Act 1957, leave of a District Court Judge or Registrar to lay an information is not necessary if a fishery officer proceeds with an infringement offence summarily.

"(3) If an infringement notice is issued, a fishery officer may do 1 or more of the following with the infringement notice:

- "(a) Deliver it (or a copy of it) to the person:
- "(b) Fix it (or a copy of it) to a conspicuous part of a fishing

vessel relating to the commission of the offence:

“(c) Send it (or a copy of it) to the person by post addressed to the person's last known place of residence or business.

“(4) If the notice was fixed or sent in accordance with subsection (3), it is deemed to have been served on the person for the purposes of the Summary Proceedings Act 1957.

“260B. Infringement notices--- (1) Every infringement notice must be in an approved form and must include the following particulars:

“(a) Sufficient detail to inform the person of the time, place, and nature of the alleged offence:

“(b) The infringement fee for the offence:

“(c) The address at which the infringement fee may be paid:

“(d) The time within which the infringement fee may be paid:

“(e) A summary of the provisions of section 21 (10) of the Summary Proceedings Act 1957:

“(f) A statement that the person has a right to request a hearing:

“(g) A statement of the consequences if the person does not pay the infringement fee or request a hearing:

“(h) Any other matters prescribed for that purpose.

“(2) There may be different approved forms for different kinds of infringement offences.

“260C. Infringement fees--- All infringement fees are payable to the chief executive, and the chief executive must pay all infringement fees received into the Crown Bank Account.”

63. New Part substituted--- The principal Act is amended by repealing Part XIV, and substituting the following Part:

“PART XIV

“Cost Recovery

“261. Purpose of Part--- The purpose of this Part is to enable the Crown to recover its costs in respect of the provision of conservation services and fisheries services.

“262. Cost recovery principles--- The cost recovery principles under this Part are as follows:

“(a) If a conservation service or fisheries service is provided at the request of an identifiable person, that person must pay a fee for the service:

“(b) Costs of conservation services or fisheries services provided in the general public interest, rather than in the interest of an identifiable person or class of person, may not be recovered:

“(c) Costs of conservation services or fisheries services provided to manage or administer the harvesting or farming of fisheries resources must, so far as practicable, be attributed to the persons who benefit from harvesting or farming the resources:

“(d) Costs of conservation services or fisheries services provided to avoid, remedy, or mitigate a risk to, or an adverse effect on, the aquatic environment or the biological diversity of the

aquatic environment must, so far as practicable, be attributed to the persons who caused the risk or adverse effect:

- “(e) The Crown may not recover under this Part the costs of services provided by an approved service delivery organisation under Part 15A.

“263. Cost recovery rules--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, make rules relating to the imposition of levies under this Part.

“(2) The rules may---

- “(a) Prescribe the proportion of costs of conservation services and fisheries services to be recovered as levies;
- “(b) Prescribe who must pay levies;
- “(c) Prescribe how the costs are to be apportioned between the persons who must pay the levies.

“(3) Without limiting anything in subsections (1) and (2), different rules may apply in respect of different classes of persons, stocks, quota management areas, fishery management areas, conservation services, fisheries services, or any combination of them.

“(4) Before making a recommendation under subsection (1), the Minister must---

- “(a) Be satisfied that the rules to which the recommendation relates comply with the cost recovery principles in section 262; and
- “(b) Have regard to the extent to which conservation services or fisheries services are wholly or partly purchased or provided by persons other than the Crown.

“(5) Without limiting the Acts Interpretation Act 1924, no order made under this section is invalid because it leaves any matter to the discretion of any person.

“264. Levies--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister,---

- “(a) Impose levies for the purpose of this Part;
- “(b) Amend or revoke an order made under this section.

“(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that the proposed order to which the recommendation relates is consistent with rules in force under section 263.

“(3) Without limiting the generality of subsection (1), an order may---

- “(a) Prescribe, or provide for the fixing of, different rates of levy in respect of different classes of persons, species or kinds of fish or aquatic life or seaweed, quantities of fish or aquatic life or seaweed, quota management areas, fishery management areas, or any combination of them;
- “(b) Prescribe, or provide for the fixing of, different rates of levy based on the value of quota or annual catch entitlement, the port price of fish or aquatic life or seaweed landed, or on any other differential basis relating to commercial fishing or fish

farming:

- “(c) Specify that a levy is payable on the basis of the amount of fish, aquatic life, or seaweed processed or taken, or quota, annual catch entitlement, or individual catch entitlement held, during a specified period or on a specified day; or specify any other method for assessing that amount:
- “(d) Prescribe a date by which, and the place at which, a levy is payable:
- “(e) Prescribe different dates for the payment of different levies:
- “(f) Authorise the chief executive to prescribe or provide for such matters as may be necessary or expedient to administer the collection of a levy imposed under subsection (1).

“265. Under-recovery and over-recovery of costs--- Without limiting anything in section 264, the Minister must, in recommending the making of an Order in Council under that section, have regard to the costs of any conservation services or fisheries services incurred by the Crown in a previous financial year and either---

- “(a) Not recovered or not recoverable, in whole or in part, by a fee, charge, or levy relating to such services that was previously imposed under this Act or the Fisheries Act 1983; or
- “(b) Over-recovered or over-recoverable, in whole or in part, by a fee, charge, or levy relating to such services that was previously imposed under this Act or the Fisheries Act 1983.

“266. Other fees, charges, or levies--- (1) This Part does not---

- “(a) Limit any other provision in this Act that requires the payment, or empowers the imposition, of a fee, charge, or levy relating to conservation services or fisheries services; or
- “(b) Limit the recovery of costs in respect of conservation services or fisheries services by any means other than a levy under section 264.

“(2) This Part does not require the Minister to have regard to the circumstances of any person when recommending the imposition of a fee, charge, or levy relating to conservation services or fisheries services.

“(3) The Minister may not have regard to any deemed value payable or paid when recommending the imposition of a fee, charge, or levy relating to conservation services or fisheries services.

“267. Payment of levies--- (1) Levies imposed by an order under section 264 are payable in accordance with the order or, if the order does not make such provision, within 20 days after the receipt of a demand from the chief executive.

“(2) The chief executive may remit, waive, or defer the payment of a levy, in whole or in part, to correct an administrative error made in calculating the amount due.

“(3) The chief executive and a person liable to pay a levy may enter into an arrangement for repayment of the amount of levy due.

“268. Caveats on quota--- (1) The chief executive may, after giving a

person notice in writing of the chief executive's intention to do so, direct that a caveat be registered over quota held by that person if---

“(a) The person is liable to pay---

“(i) A levy imposed under section 264; or

“(ii) An additional amount payable under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995; and

“(b) The person does not pay the levy or additional amount in full within 2 months after the date on which payment of the levy is due, or within the time allowed under an arrangement with the chief executive, as the case may be; and

“(c) Payment of the outstanding levy or additional amount has not been waived under section 267 (2) or section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, as the case may be.

“(2) The chief executive may direct that a caveat be registered under subsection (1) regardless of whether or not the levy has been imposed on the person as a quota owner.

“(3) The chief executive---

“(a) Must direct that a caveat entered in a register under this section be withdrawn if the outstanding levy (including an additional amount payable under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995) is paid in full to the chief executive:

“(b) May direct that a caveat entered in a register under this section be withdrawn if the chief executive and the person liable to pay the outstanding amount enter into an arrangement for repayment of the amount.

“269. Suspension of permit or licence where levies unpaid--- (1) The chief executive may, by notice in writing, after giving a person notice in writing of the chief executive's intention to do so, suspend a fishing permit or special permit or licensed fish receiver's licence or controlled fishery licence held by the person if---

“(a) The person is liable to pay---

“(i) A levy imposed under section 264; or

“(ii) An additional amount payable under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995; and

“(b) The person does not pay the levy or additional amount in full within 2 months after the date on which payment of the levy is due, or within the time allowed under an arrangement with the chief executive, as the case may be; and

“(c) Payment of the outstanding levy or additional amount has not been waived under section 267 (2) or section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, as the case may be.

“(2) The chief executive may suspend a permit or licence under subsection (1) regardless of whether or not the levy has been imposed on the person as a holder of the permit or licence.

“(3) If the person holds 2 or more fishing permits or special permits

or licensed fish receiver's licences or controlled fishery licences, or holds any combination of 2 or more of them, the chief executive may suspend such of the permits or licences as he or she considers appropriate.

“(4) A fishing permit or special permit or licensed fish receiver's licence or controlled fishery licence suspended under this section has no effect during the period of the suspension.

“(5) The chief executive---

“(a) Must lift a suspension under this section if the outstanding levy (including any additional amount payable under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995) is paid to the chief executive:

“(b) May, conditionally or unconditionally, lift a suspension under this section if the chief executive and the person liable to pay the outstanding amount of the levy enter into an arrangement for repayment of that amount.

“(6) A court may at any time, on application by the holder of a fishing permit, special permit, licensed fish receiver's licence, or controlled fishery licence, that has been suspended under this section, make an order lifting the suspension subject to any sureties and conditions specified by the Court.

“270. Priority of debts--- (1) For the purposes of the Seventh Schedule of the Companies Act 1993, every levy payable under this Part (including any amount by which the levy has been increased under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995) has the priority accorded to sums referred to in clause 5 of that schedule.

“(2) For the purposes of section 104 of the Insolvency Act 1967, every levy payable under this Part (including any amount by which the levy has been increased under section 18 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995) has the priority accorded to sums referred to in section 104 (1) (e) of the Insolvency Act 1967.

“271. Records and returns--- (1) The chief executive may, by notice in the Gazette,---

“(a) Require records and returns to be kept and provided by a person who must pay a levy:

“(b) Prescribe conditions relating to the keeping and provision of those records and returns.

“(2) A person commits an offence if the person fails to comply with a requirement imposed by the chief executive under subsection (1), and is liable to the penalty set out in section 252 (3).”

64. Use of outside agencies in performance of functions under Act--- (1) Section 294 (4) of the principal Act is amended by omitting the words “standards or specifications”, and substituting the words “contract standards and contract specifications”.

(2) Section 294 of the principal Act is amended by repealing

subsection (5), and substituting the following subsection:

“(5) No arrangement or contract under subsection (1) (b) between the chief executive and any other party (other than an agency of the Crown or other instrument of the Crown) may provide for that other party (or person acting on behalf of that other party) to perform or exercise any power that is conferred or imposed on fishery officers (other than honorary fishery officers or examiners) by or under Part VI of the Fisheries Act 1983 or by or under this Act.”

65. New Part inserted--- The principal Act is amended by inserting, after Part XV, the following Part:

“PART 15A

“Performance of Services by Approved Organisations

“296A. Interpretation--- In this Part, unless the context otherwise requires, ‘specified functions, duties, or powers’---

“(a) Means any functions, duties, or powers of the chief executive, whether statutory or non-statutory in nature, that are---

“(i) Exclusively associated with the administration of quota; or

“(ii) Primarily associated with the administration of commercial fisheries; and

“(b) Includes the keeping of registers under sections 98 and 124; but

“(c) Does not include---

“(i) Any functions, duties, or powers of the Minister; or

“(ii) Any power conferred on fishery officers, honorary fishery officers, or examiners by or under the Fisheries Act 1983 or by or under this Act.

“296B. Transfer of specified functions, duties, or powers to approved service delivery organisations--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister after consultation with the Minister responsible for the administration of the Environment Act 1986, transfer any specified function, duty, or power to an approved service delivery organisation.

“(2) An order transferring specified functions, duties, or powers to an approved service delivery organisation must---

“(a) Declare a person to be an approved service delivery organisation for such period as may be specified in the order; and

“(b) State which functions, duties, or powers are transferred to the approved service delivery organisation.

“(3) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that---

“(a) The proposed approved service delivery organisation is representative of quota owners who have an interest in those functions, duties, or powers; and

“(b) The proposed approved service delivery organisation is a company incorporated under the Companies Act 1993; and

“(c) The proposed approved service delivery organisation has the

financial, management, and other resources to enable it to---

“(i) Assume responsibility for the carrying out of the functions, duties, or powers that are specified in the order; and

“(ii) Ensure that those functions, duties, or powers are carried out; and

“(d) The proposed approved service delivery organisation---

“(i) Has provided the chief executive with a monetary deposit or bond in accordance with section 296D; or

“(ii) Has established and is maintaining an alternative arrangement in accordance with section 296D; and

“(e) Standards and specifications have been issued in relation to the functions, duties, or powers.

“(4) An order under subsection (1) may---

“(a) Specify the rights of the Crown in relation to information and data received, held, or generated in relation to the performance or exercise of the functions, duties, or powers; and

“(b) Provide that the information and data specified in the order is the property of the Crown.

“(5) An approved service delivery organisation or other person who knowingly falsifies information or data to which an order under subsection (4) relates commits an offence and is liable on conviction to the penalty set out in section 252 (1).

“296C. Effect of transfer of specified functions, duties, or powers--- (1) On and from the date specified for the purpose in the relevant order under section 296B,---

“(a) An approved service delivery organisation has the specified functions, duties, and powers under the relevant provisions of this Act or the Fisheries Act 1983 specified in the order, and may perform or exercise those functions, duties, or powers as if they had been conferred or imposed on the organisation directly by the relevant enactment; and

“(b) References to the chief executive (however expressed) in the provisions of this Act or the Fisheries Act 1983 specified in the order must be read as references to the approved service delivery organisation.

“(2) An approved service delivery organisation is responsible to the Minister for ensuring that the specified functions, duties, or powers transferred to the organisation are performed or exercised in accordance with---

“(a) All applicable standards and specifications; and

“(b) All applicable directions given by the Minister under section 296Q.

“(3) The chief executive must not perform or exercise, and is not responsible for the performance or exercise of, any specified function, duty, or power that is transferred to an approved service delivery organisation by an order made under section 296B while the order is in force.

“(4) Subsections (1) to (3) apply despite anything in the Commerce Act 1986.

“(5) An approved service delivery organisation may perform or exercise its functions, duties, and powers---

“(a) By its own employees; or

“(b) By entering into an agreement or arrangement with any other agency or any other instrument of the Crown or any corporation sole, body of persons (whether corporate or unincorporated), or individual.

“296D. Minister must require payment of bond--- (1) The Minister must require each approved service delivery organisation---

“(a) To provide the chief executive with a monetary deposit or bond; or

“(b) To establish and maintain an alternative arrangement that satisfies the Minister that the specified functions, duties, or powers to be performed or exercised by the approved service delivery organisation can be transferred, at no cost to the Crown, to the Crown or an approved service delivery organisation on the expiry or earlier revocation of an order made under section 296B.

“(2) If a monetary deposit or bond is required under subsection (1), it must be sufficient, in the opinion of the Minister, to meet the Crown's transfer costs.

“(3) If a monetary deposit or bond is provided by an approved service delivery organisation under subsection (1) and the Minister is satisfied, during the period for which the order under section 296B is in force, that the amount of that deposit or bond is no longer sufficient to meet the Crown's transfer costs, the Minister may require the organisation to increase the amount of the monetary deposit or bond accordingly; and the organisation must comply with that requirement.

“(4) If a monetary deposit or bond is provided by an approved service delivery organisation under subsection (1) and the Minister is satisfied, during the period for which the order under section 296B is in force, that the amount required to meet the Crown's transfer costs is less than the amount of the monetary deposit or bond, the Minister may remit the amount of the monetary deposit or reduce the amount of bond accordingly.

“(5) Part VII of the Public Finance Act 1989 applies to any money paid to the chief executive by an approved service delivery organisation under this section.

“(6) Any money paid to the chief executive under this section must be applied by the chief executive towards the payment of the Crown's transfer costs.

“(7) The approved service delivery organisation is entitled to receive all interest from time to time earned on the money while it is held by the chief executive.

“(8) The chief executive must pay the balance remaining, after applying the money in accordance with subsection (6), to the approved service delivery organisation or the surety under the bond, as the case may be.

“(9) In this section, ‘the Crown’s transfer costs’---

- “(a) Means any costs to the Crown arising from the transfer of specified functions, duties, or powers from the approved service delivery organisation to the chief executive or to another approved service delivery organisation on the expiry or earlier revocation of an order made under section 296B; but
- “(b) Does not include the value to the Crown of any property, rights, or obligations transferred under section 296H.

“Termination of Orders Transferring Functions, Duties, or Powers

“296E. Revocation of order transferring functions, duties, or powers to approved service delivery organisation--- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, revoke or amend an order made under section 296B.

“(2) The Minister may not make a recommendation under subsection (1) unless---

- “(a) The approved service delivery organisation named in the order has agreed to the recommendation by notice in writing to the Minister; or
- “(b) The requirements of subsection (3) have been satisfied and the Minister has complied with the requirements set out in subsection (4).

“(3) The requirements of this subsection are that the Minister must be satisfied that---

- “(a) The approved service delivery organisation has---
 - “(i) Failed to comply with any applicable standards and specifications; or
 - “(ii) Failed to comply with an applicable direction under section 296Q; or
 - “(iii) Failed to maintain an alternative arrangement under section 296D (1) (b); or
 - “(iv) Failed to comply with a requirement under section 296D (3) to increase the amount of a monetary deposit or bond; or
- “(b) There is a serious problem with the organisation within the meaning of section 296ZE (2).

“(4) The Minister must---

- “(a) Give the approved service delivery organisation notice in writing of the Minister’s intention to make the recommendation, accompanied by a statement of the Minister’s reasons for the proposed recommendation; and
- “(b) Give the approved service delivery organisation a reasonable opportunity to make submissions to the Minister in relation to the proposed recommendation; and
- “(c) Consider any submissions made by the approved service delivery organisation.

``296F. Effect of termination of transfer--- If an order made under section 296B expires or is revoked by the Governor-General under section 296E, and the functions, duties, or powers specified in the order are not immediately transferred to the same approved service delivery organisation, then---

- ``(a) The monetary deposit or bond (if any) held by the chief executive in relation to the approved service delivery organisation is forfeit to the chief executive, and must be applied in accordance with section 296D; and
- ``(b) Responsibility for the functions, duties, or powers is resumed by the chief executive.

``Transfer of Property, Rights, and Obligations to Chief Executive

``296G. Purpose of sections 296H to 296N--- The purpose of sections 296H to 296N is to ensure that the chief executive is able to resume responsibility for any specified function, duty, or power on the expiry or revocation of an order made under section 296B.

``296H. Minister may transfer property, rights, and obligations to chief executive--- (1) If an order made under section 296B expires or is revoked by an order under section 296E (whether or not that order has come into force), the Minister may transfer to the chief executive,---

- ``(a) By notice in writing to an approved service delivery organisation or any other person, any property of that organisation or person (including intellectual property) that is necessary for the performance or exercise of the functions, duties, and powers for which the organisation is or was responsible under the order made under section 296B; and
- ``(b) By notice in writing to any person other than an approved service delivery organisation, any rights and obligations of an approved service delivery organisation under any agreement or arrangement (including an employment contract) with that person that relate to the performance or exercise of those functions, duties, or powers.

``(2) The Minister must send a copy of a notice given under subsection (1) (b) to the approved service delivery organisation.

``(3) In this section and sections 296I to 296N,---

`` 'Intellectual property'---

``(a) Has the meaning provided for in Article 2 of the Convention establishing the World Intellectual Property Organisation done at Stockholm on 14 July 1967 and in the World Trade Organisation Agreement on the Trade Related Aspects of Intellectual Property Rights done at Marrakesh on 15 April 1994; and

``(b) Includes all intellectual property rights, including (without limitation) rights relating to circuit layouts and semi-conductor chip products, confidential information, copyright, geographical indications, patents, plant varieties, registered designs, registered and unregistered trade marks, and service marks:

`` 'Specified person' means a person to whom a notice is given under subsection (1) (a) or (b) or subsection (2).

``296I. Minister to give notice before transferring property,
etc--- The Minister may not give a notice under section 296H unless the
Minister---

- ``(a) Gives the specified person notice in writing of the Minister's
intention to transfer any property, rights, or obligations to
the chief executive under that section, including a statement
of---
 - ``(i) The property, rights, and obligations that the Minister
proposes to transfer:
 - ``(ii) The amount of compensation, if any, that the Minister
proposes will be payable to the specified person; and
- ``(b) Gives the specified person a reasonable opportunity to make
submissions to the Minister in relation to the proposed
transfer; and
- ``(c) Considers any submissions made by the specified person.

``296J. Content of notice to transfer property, rights, and
obligations--- A notice given under section 296H must state---

- ``(a) The date on which it takes effect, being a date no earlier than
30 days from the date on which the notice is given to the
specified person; and
- ``(b) That the specified person may, within the period specified in
the notice, apply to a District Court for an order revoking the
notice; and
- ``(c) That the notice will take effect---
 - ``(i) If the person does not apply to a District Court, on
the date specified in the notice; or
 - ``(ii) If the person applies to a District Court and the
application is dismissed, on the date the application is
dismissed.

``296K. Right of appeal to District Court--- (1) A specified person
may, within the period specified in a notice given under section 296H,
apply to a District Court for an order revoking the notice.

``(2) On an application under this section, if a District Court Judge
is not satisfied that the transfer of any property, rights, or
obligations to the chief executive is necessary for the performance or
exercise of the functions, duties, or powers for which the approved
service delivery organisation is or was responsible, the District Court
Judge must---

- ``(a) Revoke the notice; or
- ``(b) Revoke that part of the notice that relates to that property, or
to those rights or obligations.

``296L. Date on which transfer of property takes effect--- (1) A notice
under section 296H takes effect,---

- ``(a) If the specified person does not apply to a District Court under
section 296K, on the date stated in the notice as the date on
which it takes effect; or
- ``(b) If the specified person applies to a District Court and the
person's application is dismissed, on the date the application
is dismissed.

“(2) On the date that the notice takes effect---

“(a) The property specified in the notice becomes the property of the chief executive; and

“(b) The rights and obligations of the approved service delivery organisation under any agreement or arrangement specified in the notice become rights and obligations of the chief executive as if the chief executive, and not the organisation, had entered into the agreement or arrangement with the specified person.

“(3) This section applies despite anything in any agreement or arrangement.

“296M. Compensation for transfer of property--- (1) If property is transferred to the chief executive under section 296H, the Crown is liable to pay to the specified person the market value of the property transferred, as determined by a registered valuer at the request of the chief executive.

“(2) No compensation payable by the Crown under this section may be paid out of the monetary deposit or bond held by the chief executive in respect of the approved service delivery organisation.

“296N. Resolution of disputes regarding compensation--- (1) If there is any dispute or difference between the Minister and a specified person as to the amount of compensation payable to the person under section 296M, the matter must be referred to arbitration, and the Arbitration Act 1996 applies accordingly.

“(2) For the purposes of any such arbitration, this section is a submission to arbitration within the meaning of the Arbitration Act 1996, and the reference is to 1 arbitrator, who is to be appointed---

“(a) By agreement between the Minister and the specified person; or

“(b) If the Minister and the specified person fail to agree, by the President of the New Zealand Institute of Valuers Incorporated.

“(3) Despite subsection (1), the parties may resolve the dispute or difference either before or after the matter is submitted to arbitration, and, if the agreement is made after the date of any award of arbitration, the award is cancelled.

“Powers of Minister in Relation to Approved Service Delivery Organisations

“296O. Minister may issue standards and specifications--- (1) The Minister may, from time to time, issue standards and specifications relating to the performance or exercise of specified functions, duties, or powers by approved service delivery organisations, and may amend or revoke any standards and specifications issued.

“(2) Standards and specifications issued under this section may, without limitation, specify or provide for all or any of the following:

“(a) Descriptions of the specified functions, duties, or powers to be

performed or exercised by each approved service delivery organisation to which those functions, duties, or powers apply:

- “(b) Quantitative measures that each approved service delivery organisation is required to meet in respect of the functions, duties, or powers:
- “(c) Performance standards that each approved service delivery organisation is required to meet in respect of the functions, duties, or powers:
- “(d) Measures that an approved service delivery organisation is required to take to avoid conflicts of interest in the performance or exercise of the functions, duties, or powers specified in the relevant order under section 296B:
- “(e) Records that each approved service delivery organisation is required to keep in relation to the performance or exercise of those functions, duties, or powers:
- “(f) Reports that each approved service delivery organisation is required to provide to the Minister in relation to the performance or exercise of those functions, duties, or powers:
- “(g) Requirements as to the auditing of the operations of---
 - “(i) Each approved service delivery organisation; and
 - “(ii) Any person with whom the approved service delivery organisation has an arrangement under section 296C (5) in relation to the performance or exercise of those functions, duties, or powers:
- “(h) Constraints on the performance or exercise of any functions, duties, or powers by each approved service delivery organisation.

“(3) Standards and specifications issued under this section may apply to any 1 or more approved service delivery organisations, or to any class or classes of approved service delivery organisation.

“(4) An approved service delivery organisation must comply with the standards and specifications that apply to the functions, duties, or powers for which it is responsible.

“296P. Procedure for issuing standards and specifications--- (1)
Before issuing or amending standards and specifications under section 296O, the Minister must consult---

- “(a) The Minister responsible for the administration of the Environment Act 1986; and
- “(b) Those classes of persons or those approved service delivery organisations that, in the opinion of the first-mentioned Minister, have an interest in the standards and specifications.

“(2) Despite subsection (1), the Minister is not required to consult anyone if the Minister is satisfied that---

- “(a) The standards and specifications need to be issued or amended urgently; or
- “(b) The amendment is minor and will not adversely affect the substantial interests of any person.

“(3) When the Minister issues or amends standards and specifications, the Minister must---

“(a) Give a copy of the standards and specifications to each approved service delivery organisation to which they relate; and

“(b) Publish a notice in the Gazette that complies with subsection (4).

“(4) The notice published in the Gazette must---

“(a) Give a general indication of the nature of the standards and specifications; and

“(b) Specify where copies of the standards and specifications may be obtained.

“296Q. Approved service delivery organisations must comply with directions--- (1) The Minister may give a written direction to any approved service delivery organisation in respect of the performance or exercise by it of any specified functions, duties, or powers.

“(2) The Minister may not give a direction in respect of---

“(a) A specific application to the approved service delivery organisation; or

“(b) A specific person.

“(3) The Minister must---

“(a) Give a copy of the direction to each approved service delivery organisation to which the direction relates; and

“(b) As soon as practicable after giving the written notice,---

“(i) Publish the direction in the Gazette; and

“(ii) Present a copy of it to the House of Representatives.

“(4) When performing or exercising any specified functions, duties, or powers an approved service delivery organisation must comply with any direction given to it by the Minister in accordance with this section.

“Sanctions for Breach of Standards and Specifications or Directions

“296R. Sanctions for failing to comply with standards and specifications--- (1) If an approved service delivery organisation fails to comply with any applicable standards and specifications, or with an applicable direction under section 296Q, the organisation is subject to sanctions under section 296W.

“(2) Sanctions are civil penalties prescribed in regulations made under section 296ZL.

“296S. Demerit points to be recorded by Minister--- (1) This section applies if, in the opinion of the Minister, an approved service delivery organisation fails to comply with---

“(a) Any applicable standards or specifications; or

“(b) Any applicable direction under section 296Q.

“(2) The Minister may record in respect of an approved service delivery organisation such number of demerit points for each failure referred to in subsection (1) as may be prescribed in regulations made

under section 296ZI.

“(3) If 2 or more such failures by an approved service delivery organisation occur in respect of the same set of circumstances,---

- “(a) The Minister must record demerit points in relation to 1 failure only; and
- “(b) If the failures do not carry the same number of demerit points, the Minister must record demerit points for the failure or 1 of the failures that carries the greatest number of points.

“(4) Demerit points recorded under subsection (2) have effect on and from the date of the failure in respect of which the demerit points are recorded.

“296T. Procedure for recording demerit points--- (1) Before recording any demerit points in respect of an approved service delivery organisation, the Minister must give written notice to the organisation.

“(2) The notice must state---

- “(a) The failure that makes the approved service delivery organisation liable to have the demerit points recorded against the organisation; and
- “(b) The number of demerit points specified in respect of that failure that the Minister proposes to record against the organisation; and
- “(c) The right of the organisation to object to the Minister's decision by giving written notice to the Minister within 20 working days after the date of the Minister's notice (‘the stated 20-day period’); and
- “(d) That an objection must include a statement of the organisation's reasons for objecting; and
- “(e) The Minister's right to record the demerit points if---
 - “(i) No objection is made within the stated 20-day period; or
 - “(ii) An objection is made without a statement of reasons; and
- “(f) The consequences of further demerit points being recorded against the organisation.

“(3) The Minister may withdraw a notice at any time, in which case demerit points will not be recorded against the organisation in respect of the failure specified in the notice.

“296U. Demerit points recorded where no objection made--- The Minister must record the prescribed demerit points under section 296S---

- “(a) If no objection is made within the stated 20-day period; or
- “(b) If an objection is made by an approved service delivery organisation that is not accompanied by a statement of reasons.

“296V. Demerit points recorded where objection made--- (1) This section applies if---

- “(a) An objection to the recording of demerit points, accompanied by a statement of reasons, is received from the approved service

delivery organisation within the stated 20-day period; and
“(b) The Minister does not accept the objection.

“(2) The Minister may apply to a District Court for an order that the Minister may record the demerit points.

“(3) The District Court must order the Minister to record the demerit points under section 296S if the Minister establishes on the balance of probabilities that the organisation has not complied with the standards and specifications or the direction to which the notice under section 296T relates.

“(4) The Court may award costs as if the matter were a criminal matter.

“296W. Civil penalty imposed where demerit points recorded--- (1) As soon as practicable after the end of each financial year, the Minister must calculate the total number of demerit points recorded under section 296S (2) against an approved service delivery organisation during that year.

“(2) The Minister must advise the organisation as soon as reasonably practicable of the amount of civil penalty payable in respect of the total number of demerit points.

“(3) The amount of civil penalty payable in respect of specified failures is prescribed in regulations made under section 296ZI.

“(4) As soon as practicable after the end of each financial year, the Minister must cancel the demerit points recorded against an approved service delivery organisation in respect of that financial year, but the applicable civil penalty is payable despite the cancellation of those demerit points.

“296X. Collection of civil penalty--- (1) The Minister may recover a civil penalty in a court of competent jurisdiction, as if the penalty were a debt due to the Crown.

“(2) In this case, the penalty includes the costs of the court and, if ordered, the Minister's costs relating to the application.

“296Y. Penalties payable into Crown Bank Account--- Every civil penalty under section 296W must be paid into the Crown Bank Account.

“Fees

“296Z. Fees--- (1) An approved service delivery organisation may set fees and charges in respect of functions, duties, and powers performed or exercised by the organisation under an order made under section 296B.

“(2) Fees may be set at any level as specified by the organisation.

“(3) This section applies despite anything in this Act or in the Fisheries Act 1983, but does not limit the application of the Commerce

Act 1986.

Information Disclosure Requirements

296ZA. Regulations relating to information disclosure--- The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Requiring approved service delivery organisations to make publicly available prescribed financial statements that follow generally accepted accounting principles, including profit and loss statements, balance sheets, and statements of accounting principles:
- (b) Requiring approved service delivery organisations to publish, in the prescribed manner, information in relation to the performance and exercise of specified functions, duties, and powers, and prescribing the information that the organisations must make available, which information must include---
 - (i) Prices, terms, and conditions; and
 - (ii) Pricing policies and methodologies; and
 - (iii) Costs; and
 - (iv) Cost allocation policies and methodologies; and
 - (v) Performance measures, or information from which performance measures may be derived, or both:
- (c) Prescribing the form and manner in which the financial statements required by any regulations made under paragraph (a) must be made available:
- (d) Prescribing the form of statutory declaration, and the persons by whom a statutory declaration must be made, for the purposes of section 296ZB (3):
- (e) Prescribing the time limits within which the information disclosure required by any regulations made under this section must be made to the public:
- (f) Exempting or providing for the exemption of any person or class of persons from all or any of the requirements of any regulations made under this section:
- (g) Providing for the revocation of an exemption of any person or class of persons from all or any of the requirements of any regulations made under this section.

296ZB. Information to be supplied to chief executive--- (1) Every approved service delivery organisation must supply to the chief executive,---

- (a) Within 5 working days after the statements and information are first made available, a copy of all statements and information made available to the public under regulations made under section 296ZA; and
- (b) Any further statements, reports, agreements, particulars, or other information requested in writing by the chief executive that are reasonably necessary for the purpose of monitoring the organisation's compliance with those regulations.

(2) Every approved service delivery organisation to whom a request is made under subsection (1) (b) must comply with the request within 30 days after receiving it, or within such further period as the chief executive may, in any particular case, allow.

“(3) All statements, reports, agreements, particulars, or information supplied to the chief executive under subsection (1) must be verified by statutory declaration by the persons and in the form prescribed by regulations made under section 296ZA (d).

“296ZC. Supply of information relating to business of approved service delivery organisation--- (1) For the purpose of monitoring an approved service delivery organisation's compliance with regulations made under section 296ZA, standards and specifications, and directions under section 296Q, the Minister may, by notice in writing to the organisation, require the organisation to supply to the Minister specified information, data, and forecasts relating to the business, operation, or management of the organisation, and may require that information to be supplied for specified periods and in a specified form.

“(2) The Minister may revoke, vary, or amend a notice by giving a subsequent notice to the organisation.

“(3) An approved service delivery organisation commits an offence against this Act if it---

- “(a) Fails to comply with any requirements of the Minister under this section; or
- “(b) Supplies information or data that the organisation is required to supply under this section knowing that it is false or misleading in a material particular; or
- “(c) Knowingly omits any material particular in any information or data that the organisation is required to supply under this section.

“(4) The penalty on conviction for an offence against subsection (3) (a) is set out in section 252 (3).

“(5) The penalty on conviction for an offence against subsection (3) (b) or (c) is set out in section 252 (1).

“296ZD. Requirement that information be audited--- (1) The Minister may, by notice in writing to an approved service delivery organisation, require any information or data that the organisation is required to supply under section 296ZC to be audited by an auditor approved by the Minister.

“(2) An approved service delivery organisation commits an offence against this Act if it fails to comply with this section.

“(3) The penalty on conviction for an offence against subsection (2) is set out in section 252 (3).

“296ZE. Disclosure of information to Minister--- (1) Any person must disclose to the Minister information relating to the affairs of an approved service delivery organisation if, in the course of or in connection with performing the role of auditor of the organisation, the person forms an opinion that there is a serious problem with the organisation.

“(2) For the purposes of this Part, ‘a serious problem’ means the organisation---

“(a) Is not operating, or is likely not to operate, in any material respect in accordance with---

“(i) The provisions of this Act or the Fisheries Act 1983 under which the organisation performs or exercises its functions, duties, or powers; or

“(ii) Any applicable standards and specifications; or

“(iii) An applicable direction under section 296Q; or

“(b) Is insolvent or likely to become insolvent.

“(3) For the avoidance of doubt, subsection (1) does not require a person who is an auditor of an approved service delivery organisation to perform or exercise functions, duties, or powers additional to those functions, duties, or powers that the person would ordinarily perform or exercise in the course of performing that role, other than to make disclosure to the Minister as required by subsection (1).

“(4) This section applies despite any enactment or rule of law, or anything in a contract.

“296ZF. Auditor to inform approved service delivery organisation of intention to disclose--- An auditor must, before disclosing information to the Minister under section 296ZE, take reasonable steps to inform the approved service delivery organisation of---

“(a) The auditor's intention to disclose the information; and

“(b) The nature of the information.

“296ZG. Protection of auditors--- (1) No civil, criminal, or disciplinary proceedings lie against an auditor arising from the disclosure in good faith of information to the Minister under section 296ZE.

“(2) No person may remove from office, or terminate the contract of appointment of, an auditor merely because of the disclosure in good faith of information to the Minister under section 296ZE.

“(3) A tribunal, body, or authority having jurisdiction in respect of the professional conduct of an auditor must not make an order against, or do an act in relation to, that auditor in respect of the disclosure.

“(4) Information received by the Minister under section 296ZE is not admissible in evidence in proceedings against the auditor concerned.

“(5) Nothing in subsection (4) limits the admissibility of information obtained in any other way.

“296ZH. Unique identifiers--- (1) The purpose of this section is---

“(a) To enable approved service delivery organisations to assign to any person specified in section 189 unique identifiers that have been assigned by the chief executive; and

“(b) To restrict approved service delivery organisations from using such unique identifiers for purposes other than carrying out

the specified functions, duties, or powers transferred to them under section 296B.

“(2) Despite Information Privacy Principle 12 (2) of the Privacy Act 1993, an approved service delivery organisation may assign to any person specified in section 189 any unique identifier assigned to that person by the chief executive.

“(3) This section does not authorise an approved service delivery organisation to use a unique identifier assigned by the chief executive, except for the purpose of carrying out the specified functions, duties, or powers that have been transferred to that approved service delivery organisation under section 296B.

“296ZI. Regulations--- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- “(a) Specifying those failures to comply with specified standards or specifications, or directions under section 296Q, in respect of which the Minister may record demerit points against an approved service delivery organisation:
- “(b) Prescribing the number of demerit points to be recorded in respect of specified failures:
- “(c) Prescribing the amount of civil penalties payable in respect of different amounts or levels of demerit points incurred by an approved service delivery organisation in any financial year.

“(2) Without limiting subsection (1), regulations made under this section may provide for graduated scales of demerit points and civil penalties.

“(3) The total amount of civil penalties that may be incurred by an organisation in any financial year, as prescribed by regulations made under this section, may not exceed \$500,000.”

66. General regulations--- (1) Section 297 (1) of the principal Act is amended by inserting, after paragraph (g), the following paragraph:

- “(ga) Requiring notified users and registered operators of vessels to notify the chief executive of the user of the vessel from time to time:”.

(2) Section 297 (1) (i) of the principal Act is amended by repealing subparagraph (iii), and substituting the following subparagraph:

- “(iii) Providing for remissions or refunds of deemed value amounts:”.

(3) Section 297 (1) of the principal Act is amended by repealing paragraph (m), and substituting the following paragraph:

- “(m) Prescribing---
 - “(i) The matters in respect of which fees or charges are payable under this Act, which may include, in relation to any application, an application fee and an additional processing charge:
 - “(ii) The amounts of the fees or charges, or the method or rates (including hourly rates) by which they are to be

assessed, which may differ depending on whether or not an application is processed on an urgent basis:

- “(iii) The persons liable to pay the fees or charges:
- “(iv) The circumstances in which the Minister or the chief executive may remit or waive payment of the whole or any part of the fees or charges.”.

(4) Section 297 (1) of the principal Act is amended by inserting, after paragraph (n), the following paragraphs:

- “(na) Prescribing infringement offences against this Act (which offences may not be offences of taking or possession of fish by a commercial fisher):
- “(nb) Prescribing the form of infringement notices:
- “(nc) Setting the infringement fee payable in respect of an infringement offence, which fee may not exceed \$3,000; and setting different infringement fees for different infringement offences:
- “(nd) Specifying serious non-commercial offences for the purposes of this Act, which offences must be offences against regulations made under this Act or the Fisheries Act 1983.”.

(5) Section 297 (1) (r) of the principal Act is repealed.

(6) Section 297 (1) of the principal Act is amended by inserting, after paragraph (s), the following paragraph:

- “(sa) Specifying the order in which the chief executive is to action transactions specified in the regulations for the purposes of section 63.”.

67. Certain notices to have status of regulations--- (1) Section 303 (2) of the principal Act is amended by inserting, after the expression “283,”, the expression “296O,”.

(2) Section 303 of the principal Act is amended by adding the following subsection:

- “(3) Any notice given under section 11 (4) (b) (i) is a regulation for the purposes of the Regulations (Disallowance) Act 1989.”

68. Circulars--- (1) Section 304 (2) of the principal Act is amended---

- (a) By omitting the words “, pursuant to regulations made under this Act,”:
- (b) By omitting the words “promulgated pursuant to such regulations and” wherever they appear.

(2) Section 304 (3) of the principal Act is amended by omitting the words “promulgated pursuant to such regulations”.

69. Application of Commodity Levies Act 1990--- Section 305 (a) of the principal Act is amended by inserting, after the words “basis of one”, the words “or more”.

70. New sections inserted--- The principal Act is amended by inserting, after section 305, the following sections:

``305A. Powers of chief executive when false or misleading information given---(1) The chief executive may amend or revoke all or any part of an approval, authority, licence, permission, or permit given under this Act, or a decision made under this Act, or a registration completed under this Act, (the 'specified action') if---

- ``(a) The chief executive is satisfied that the specified action was given, made, or completed on the basis of false or misleading information; and
- ``(b) The false or misleading information was material to the giving, making, or completion of the specified action; and
- ``(c) The chief executive gives notice in writing of his or her intention to amend or revoke the specified action to the appropriate one of the following:
 - ``(i) The holder of the approval, authority, licence, permission, or permit; or
 - ``(ii) The person in relation to whom the decision was made or the registration was completed; and
- ``(d) The notice is accompanied by a statement of the chief executive's reasons for the proposed revocation or amendment; and
- ``(e) The chief executive gives the person to whom the notice is given a reasonable opportunity to make submissions in relation to the proposed revocation or amendment; and
- ``(f) The chief executive considers any submissions made by that person.

``(2) An amendment or revocation under subsection (1) is made by giving notice in writing to the appropriate one of the following:

- ``(a) The holder of the approval, authority, licence, permission, or permit; or
- ``(b) The person in relation to whom the decision was made or the registration was completed.

``Provisions Relating to Applications

``305B. Requirements applying generally to applications and requests under this Act--- (1) An application or a request made under this Act to the chief executive must comply with the following requirements:

- ``(a) The application or request must be in the approved form (if any):
- ``(b) The application or request must be supported by such evidence or information as may be specified in the approved form:
- ``(c) The prescribed fee or charge (if any) must be paid in respect of the application or request.

``(2) The chief executive may, but does not have to, accept an application or request if it does not comply with subsection (1).

``305C. Chief executive may require additional information--- (1) The chief executive may require an applicant or a person who makes a request under this Act to provide such relevant additional information or evidence as the chief executive considers necessary on reasonable grounds to enable the chief executive to consider the applicant's application or request.

“(2) The chief executive may require any such information or evidence to be given by way of a statutory declaration.”

71. Protection of the Crown, etc--- (1) Section 308 (1) of the principal Act is amended by omitting the expression “and 67 of this Act”, and substituting the expression “67, 67A, and 347A”.

(2) Section 308 (2) (c) of the principal Act is amended---

(a) By inserting, after the expression “16,”, the expression “19,”;

(b) By inserting, after the expression “67,”, the expression “67A,”;

(c) By inserting, after the expression “340,”, the expression “347A,”;

(d) By omitting the expression “and 369”, and substituting the expression “369, 369A, 369B, 369C, 369D, 369E, and 369F”.

72. Transitional provisions relating to foreign ownership--- The principal Act is amended by inserting, after section 333, the following section:

“333A. (1) This section applies to persons who are prevented from owning provisional catch history, quota, or annual catch entitlement under section 56, but who are not prevented from owning quota under section 28Z of the Fisheries Act 1983.

“(2) During the period beginning on the date of commencement of section 56 and ending with the close of 12 months after that date, section 56 does not apply to a person to whom this section applies.

“(3) Despite subsection (2), during that 12-month period the Minister and the Minister for the time being responsible for the administration of the Overseas Investment Act 1973 may---

“(a) Declare that the person is not an overseas person under section 56 (2); or

“(b) Permit the person to hold quota, an interest in quota, an annual catch entitlement, or provisional catch history under section 57.

“(4) Where a person to whom this section applies has made an application under section 57 and it has been declined by the relevant Ministers, section 56 does not apply to that person for a period of 24 months commencing on the date of the decision to decline the application.

“(5) While section 56 does not apply to a person because of the operation of this section, section 28Z of the Fisheries Act 1983 continues to apply to that person.

“(6) To avoid any doubt, nothing in this section allows a person to whom this section applies to increase his or her holding of, or interest in, quota, annual catch entitlement, or provisional catch history so as to exceed the amount of quota, annual catch entitlement, or provisional catch history that the person held immediately before the commencement

of section 56."

73. New sections substituted--- The principal Act is amended by repealing section 340, and substituting the following sections:

``340. Transitional provisions relating to allocation of annual catch entitlement--- (1) On the first day of the fishing year in which section 66 comes into force, the chief executive must allocate, to each quota owner, 90% of that person's annual catch entitlement for that stock generated under that section.

``(2) On or before the 15th day of the second month of that fishing year, the chief executive must allocate to each person who receives an amount of annual catch entitlement under subsection (1) for any stock a further amount of annual catch entitlement for that stock calculated in accordance with the following formula:

$$(a / 100,000,000) \times (b - c) = d$$

where---

a is the number of

quota shares for the stock held by the quota owner referred to in item a of the formula set out in section 66 (2) (which shares are quota shares held on the first day of the fishing year); and

b is the annual catch

entitlement for the stock remaining unallocated in respect of that quota owner; and

c is the lesser of---

(a) The amount of the remaining

unallocated annual catch entitlement referred to in item b of this formula:

(b) The amount that was taken in excess of quota under the

quota owner's quota under an authority given under section 28V (1) or a permission given under section 28V (2) of the Fisheries Act 1983, in the immediately preceding fishing year, calculated using that fishing year's annual balance (excluding any overfishing right) in accordance with the Fisheries (Catch Against Quota) Regulations 1993; and

d is the amount

of annual catch entitlement to be allocated to the quota owner.

``(3) Any annual catch entitlement remaining unallocated after the allocation of annual catch entitlement under subsection (2) must be allocated to the Crown and must not be used for any purpose under this Act.

``(4) Any annual catch entitlement calculated under this section must be rounded up or rounded down by the chief executive to the nearest kilogramme or, in the case of Foveaux Strait dredge oysters, to the nearest whole number of oysters.

``(5) Subject to subsection (3), any annual catch entitlement allocated under this section has effect for all purposes under this Act on and from the date of allocation.

``(6) The chief executive must, as soon as practicable after

allocating any annual catch entitlement in accordance with this section,---

- “(a) Notify every quota owner of the amount of annual catch entitlement allocated to that quota owner under this section; and
- “(b) Ensure that the amount of annual catch entitlement allocated is registered on the Annual Catch Entitlement Register.

“(7) Sections 67 and 67A do not apply in respect of the allocation of annual catch entitlement in the first fishing year in which section 66 comes into force.

“(8) If the Fisheries (Catch Against Quota) Regulations 1993 are revoked, any reference in this section or section 340A to an amount calculated under or in accordance with those regulations must be read as if those regulations (as they read immediately before their revocation) were still in force.

“340A. Transitional provisions relating to underfishing---(1) If, in the fishing year ending in the calendar year in which section 28V of the Fisheries Act 1983 is repealed by section 314 (‘the first fishing year’), the total tonnage of fish, aquatic life, or seaweed specified in any quota was not taken, the quota owner is entitled to be allocated an amount of annual catch entitlement for the stock in the next fishing year (‘the second fishing year’) that corresponds to the amount of the stock that the person would have been entitled to take under section 28V (6) of the Fisheries Act 1983 (as calculated under the Fisheries (Catch Against Quota) Regulations 1993) if that subsection were still in force.

“(2) This section does not apply to---

- “(a) A stock listed in Schedule 5A:
- “(b) A stock for which the total allowable commercial catch at the beginning of the second fishing year is less than the total allowable commercial catch applying at the close of the first fishing year.

“(3) The chief executive must allocate annual catch entitlement under this section as soon as practicable after the 15th day after the end of the first fishing year.

“(4) The amount of annual catch entitlement allocated under subsection (1) must be rounded up or rounded down by the chief executive to the nearest kilogramme or, in the case of Foveaux Strait dredge oysters, the nearest whole number of oysters.

“(5) Any annual catch entitlement allocated under sub- section (1) is in addition to any annual catch entitlement generated under section 66 or created under section 68.

“(6) Any annual catch entitlement allocated under subsection (1) has effect for all purposes under this Act on and from the date of the allocation.

“(7) The chief executive must, as soon as practicable after

allocating any annual catch entitlement in accordance with this section,---

- “(a) Notify every quota owner of the amount of annual catch entitlement allocated to that quota owner under this section; and
- “(b) Ensure that the amount of annual catch entitlement allocated under this section is registered on the Annual Catch Entitlement Register.”

74. Conversion of holdings from old register to new register--- Section 343 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) Despite anything in any other enactment or rule of law,---
- “(a) The conversion of quota under this section does not constitute an allocation of new quota; and
- “(b) Any quota converted under this section has the same characteristics as quota allocated under section 47.”

75. Provisions relating to allocation of annual catch entitlement under leases in first fishing year--- The principal Act is amended by inserting, after section 347, the following section:

“347A. (1) Despite section 347 (2), in the fishing year in which section 66 comes into force, the chief executive must direct the transfer under section 347 (2) of annual catch entitlement from the lessor to the lessee of each lease to which section 347 (2) applies as follows:

- “(a) On the first day of that fishing year, 90% of the annual amount of annual catch entitlement provided for in section 347 (2)
- (c):
- “(b) On the date that the chief executive allocates annual catch entitlement for the stock under section 340 (2), a further amount of annual catch entitlement calculated in accordance with the following formula:
$$a \times (b / c) = d$$

where

a is the amount of annual catch entitlement allocated under section 340 (2) in respect of the lessor's total holding of individual transferable quota for the stock; and

b is the amount of that individual transferable quota that is subject to the lessee's lease as recorded in the Transitional Register; and

c is the quota weight equivalent of the lessor's total holding of individual transferable quota for the stock; and

d is the amount of annual catch entitlement that is to be allocated to the lessee.

“(2) Section 347 (3) does not apply to an allocation of annual catch entitlement to which this section applies.”

76. Provisions relating to caveats, etc, over converted quota--- Section 349 (1) of the principal Act is amended by omitting the expression ``section 273", and substituting the expression ``section 268".

77. Expiry of section 354--- Section 355 (b) of the principal Act is amended by omitting the year ``2000", and substituting the year ``2002".

78. Transitional provisions relating to sections 56 to 58 and 62--- The principal Act is amended by inserting, after section 358, the following section:

``358A. (1) This section applies until Parts IV and VIII come into force.

``(2) Any reference in sections 56, 57, 58, and 62 to annual catch entitlement must be read as a reference to quota held on lease, or quota held by any other arrangement, but not ownership of quota.

``(3) Any reference in section 58 to the appropriate register under Part VIII must be read as a reference to the register maintained under section 28P of the Fisheries Act 1983."

79. Transitional offences and penalties--- (1) Section 361 (1) of the principal Act is amended by inserting, after the expression ``section 121 (3)" where it first appears, the words ``or section 296B (5) or section 296ZC (3) or section 296ZD (2)".

(2) Section 361 (1) of the principal Act is amended by adding the following paragraph:

``(d) In the case of an offence against section 296B (5) or section 296ZC (3) or section 296ZD (2), to a fine not exceeding \$250,000."

80. Further provisions relating to allocation of quota--- Section 364 of the principal Act is amended by inserting, after subsection (3), the following subsection:

``(3A) Despite subsection (3), section 28V of the Fisheries Act 1983 applies to any stock that becomes subject to the quota management system after the commencement of this subsection."

81. Cost recovery--- Section 365 of the principal Act is amended---

(a) By omitting the expression ``section 261" wherever it appears, and substituting in each case the expression ``section 2 (1)":

(b) By omitting the expression ``section 262" wherever it appears, and substituting in each case the expression ``section 264".

82. Foveaux Strait dredge oyster fishery subject to quota system--- Section 368A of the principal Act is amended by repealing subsection (10), and substituting the following subsection:

``(10) For the purposes of the application of this Act in relation to

the Foveaux Strait dredge oyster fishery,---

- “(a) The references to kilogrammes in this Act must be read as references to oyster numbers; and
- “(b) The references to greenweight or meatweight in section 305 (a) (iii) must be read as references to oyster numbers.”

83. New sections inserted--- The principal Act is amended by inserting, after section 369, the following sections:

“369A. Pale ghost shark subject to quota management system--- (1) On 1 October 1999, pale ghost shark becomes subject to the quota management system under Part IIA of the Fisheries Act 1983.

“(2) Each person named in column 1 of Part 6 of the Ninth Schedule is allocated the amount of individual transferable quota for pale ghost shark set out in column 3 of that schedule opposite that person's name, and those allocations apply to pale ghost shark in quota management area GSP 1 (which comprises the areas described as Fishery Management Areas 1, 2, 3, 4, and 10 in Part I of the First Schedule).

“(3) Each person named in column 1 of Part 7 of the Ninth Schedule is allocated the amount of individual transferable quota for pale ghost shark set out in column 3 of that schedule opposite that person's name, and those allocations apply to pale ghost shark in quota management area GSP 5 (which comprises the areas described as Fishery Management Areas 5 and 6 in Part I of the First Schedule).

“(4) Each person named in column 1 of Part 8 of the Ninth Schedule is allocated the amount of individual transferable quota for pale ghost shark set out in column 3 of that schedule opposite that person's name, and those allocations apply to pale ghost shark in quota management area GSP 7 (which comprises the areas described as Fishery Management Areas 7, 8, and 9 in Part I of the First Schedule).

“(5) Despite any other enactment, no person is entitled to be allocated individual transferable quota for pale ghost shark unless the allocation is authorised by this section.

“369B. Southern blue whiting subject to quota management system--- (1) On 1 November 1999, southern blue whiting in Fishery Management Area 6 becomes subject to the quota management system under Part IIA of the Fisheries Act 1983.

“(2) The Fisheries (Declaration of New Stock Subject to Quota Management System) Notice 1997 (S.R. 1997/279) is consequentially amended---

- “(a) By revoking clause 2 (c):
- “(b) By inserting in clause 3 (2), after the words “Southern blue whiting”, the words “in any of quota management areas 1, 2, 3, 4, 5, 7, 8, 9, and 10”:
- “(c) By revoking so much of the Schedule as relates to southern blue whiting in quota management areas 6B, 6I, and 6P.

“369C. Allocation of quota for southern blue whiting in quota management areas SBW6A, SBW6B, SBW6I, and SBW6R--- (1) Each person named

in column 1 of Part 9 of the Ninth Schedule is allocated the amount of individual transferable quota for southern blue whiting set out in column 3 of that schedule opposite that person's name, and those allocations apply to southern blue whiting in quota management area SBW6A.

“(2) Each person named in column 1 of Part 10 of the Ninth Schedule is allocated the amount of individual transferable quota for southern blue whiting set out in column 3 of that schedule opposite that person's name, and those allocations apply to southern blue whiting in quota management area SBW6B.

“(3) Each person named in column 1 of Part 11 of the Ninth Schedule is allocated the amount of individual transferable quota for southern blue whiting set out in column 3 of that schedule opposite that person's name, and those allocations apply to southern blue whiting in quota management area SBW6I.

“(4) Each person named in column 1 of Part 12 of the Ninth Schedule is allocated the amount of individual transferable quota for southern blue whiting set out in column 3 of that schedule opposite that person's name, and those allocations apply to southern blue whiting in quota management area SBW6R.

“(5) Despite any other enactment, no person is entitled to be allocated individual transferable quota for southern blue whiting in any of quota management areas SBW6A, SBW6B, SBW6I, and SBW6R unless the allocation is authorised by this section.

“369D. Allocation of quota for southern blue whiting in quota management area SBW1--- (1) On 1 November 1999, all provisional catch history allocated before that date in respect of southern blue whiting in any of Fishery Management Areas 1, 2, 3, 4, 5, 7, 8, 9, and 10 becomes provisional catch history for southern blue whiting in quota management area SBW1.

“(2) This section does not create a right to appeal under section 51 (1).

“(3) Subsection (2) is for the avoidance of doubt.

“369E. Southern blue whiting taken from 1 April 1999 to 31 October 1999--- If a commercial fisher has quota allocated to the fisher under section 369C, any southern blue whiting taken by the commercial fisher in any of quota management areas SBW6A, SBW6B, SBW6I, and SBW6R, during the period commencing on 1 April 1999 and ending with the close of 31 October 1999, is deemed to have been taken under the quota for the quota management area in which it was taken for the purposes of---

“(a) Sections 28ZA, 28ZD, and 28ZF of the Fisheries Act 1983; and

“(b) The Fisheries (Catch Against Quota) Regulations 1993.

“369F. Initial total allowable commercial catch and total allowable catch for southern blue whiting in quota management areas SBW6A, SBW6B, SBW6I, and SBW6R--- (1) The initial total allowable commercial catch and total allowable catch, respectively, for southern blue whiting in quota

management area SBW6A are each 1640 tonnes.

“(2) The initial total allowable commercial catch and total allowable catch, respectively, for southern blue whiting in quota management area SBW6B are each 15 400 tonnes.

“(3) The initial total allowable commercial catch and total allowable catch, respectively, for southern blue whiting in quota management area SBW6I are each 35 460 tonnes.

“(4) The initial total allowable commercial catch and total allowable catch, respectively, for southern blue whiting in quota management area SBW6R are each 5500 tonnes.

“(5) The following provisions are for the avoidance of doubt:

“(a) Any initial total allowable commercial catch referred to in this section may be altered from time to time under section 20 of this Act or section 28OB of the Fisheries Act 1983:

“(b) Any initial total allowable catch referred to in this section may be altered from time to time under section 13 of this Act.”

84. New sections inserted---The principal Act is amended by inserting, after section 369F, the following sections:

“369G. Transitional provision relating to Chatham Islands fishers---(1) On the first day of each fishing year, the Minister must create 250 tonnes of annual catch entitlement for bluenose (*Hyperoglyphe antarctica*) in BNS 3 that---

“(a) Is additional to annual catch entitlement generated or created under any of sections 66, 67A, and 68; and

“(b) Must be transferred by the chief executive only in accordance with this section; and

“(c) Subject to this section, has the same characteristics as annual catch entitlement allocated under section 67.

“(2) Subsection (3) applies to a commercial fisher if,---

“(a) Following the calculations referred to in section 76 (1A) or (1B), the commercial fisher's reported catch exceeds that commercial fisher's annual catch entitlement for bluenose in BNS 3; and

“(b) The chief executive is satisfied that the bluenose in BNS 3 was landed by the commercial fisher and received by a licensed fish receiver in the Chatham Islands.

“(3) A commercial fisher to whom this subsection applies may, at any time during the fishing year or not later than the close of the 15th day after the end of that fishing year, offer the chief executive an executed transfer of an amount of annual catch entitlement that is---

“(a) For any stock declared by a notice under section 77 to be a target stock in relation to bluenose in BNS 3; and

“(b) Of an amount, calculated in accordance with the ratio specified in that notice, that is no greater than the amount by which the fisher's reported catch for bluenose in BNS 3 exceeded his or her annual catch entitlement.

“(4) As soon as practicable following receipt of the transfer, the chief executive must transfer to the commercial fisher, from the annual catch entitlement created under subsection (1), an amount of annual catch entitlement for bluenose in BNS 3 calculated in accordance with the notice given under section 77.

“(5) Despite the repeal of section 77 by section 28 of the Fisheries Act 1996 Amendment Act 1999, that section (as it read immediately before its repeal) continues to apply to bluenose in BNS 3 while this section is in force as if---

“(a) References in section 77 (1) to any quota management area were references to BNS 3:

“(b) References in section 77 (1) (a) to a quota management stock were references to bluenose in BNS 3:

“(c) The reference in section 77 (1) to section 78 were a reference to section 369G.

“(6) In this section and in section 369H, ‘BNS 3’ means item E of the item relating to bluenose in the First Schedule of the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986.

“369H. Expiry of section 369G---Section 369G expires with the close of the earlier of the following dates:

“(a) The date on which any subdivision of BNS 3 under this Act takes effect:

“(b) The date that is 2 years after the commencement of section 369G.”

PART 2

Repeals, Consequential Amendments, and Transitional Provisions

85. Repeals--- The following provisions of the principal Act are repealed:

(a) Sections 27 to 29 (which relate to the definition of rights relating to quota), and the heading immediately preceding those sections:

(b) Section 65 (which relates to the characteristics of annual catch entitlement):

(c) Sections 69 to 71 (which relate to annual catch entitlements):

(d) Section 73 (which relates to transfers of used annual catch entitlement):

(e) Section 90 (which relates to applications for fishing permits):

(f) Section 95 (which relates to the obligations of permit holders):

(g) Sections 99, 125, and 131 (which relate to the appointment and liability of Registrars):

(h) Section 167 (which relates to production of registers in court):

(i) Sections 242 and 243 (which relate to defences for offences relating to annual catch entitlements).

86. Consequential repeals and amendment---Sections 80 (4), 97 (10),

109 (3), 110 (4), and 112 (3) of the principal Act are consequentially repealed.

87. Consequential amendment to Summary Proceedings Act 1957---(1)
Section 2 (1) of the Summary Proceedings Act 1957 is amended by inserting in the definition of the term "infringement notice", after paragraph (f), the following paragraph:

"(fa) Section 260A of the Fisheries Act 1996; or".

(2) Part II of the First Schedule of the Summary Proceedings Act 1957 is amended by adding to the items added by Part VI of the Twelfth Schedule of the Fisheries Act 1996, in the appropriate columns, the following items:

"296B (5) Approved service delivery organisation
knowingly falsifying information

296ZC (3) Approved service delivery organisation
(b) or knowingly supplying false or misleading
(c) information, or knowingly omitting
material particular in information
supplied to Minister."

88. Amendments to schedules--- (1) Part III of the First Schedule of the principal Act is amended by inserting, after the item relating to quota management area PHC1, the items set out in Schedule 1 of this Act.

(2) The principal Act is amended by inserting, after the Fifth Schedule, the Schedule 5A set out in Schedule 2 of this Act.

(3) The Sixth Schedule of the principal Act is amended by repealing requirement 2 of the item relating to Rock Lobster (*Jasus verreauxi*, *Jasus edwardsii*).

(4) The principal Act is amended by repealing the Eighth Schedule, and substituting the Eighth Schedule set out in Schedule 3 of this Act.

(5) The Ninth Schedule of the principal Act is amended by adding the new Parts 6 to 12 set out in Schedule 4 of this Act.

89. Offices of Registrars and Deputy Registrars abolished--- The following offices are abolished:

- (a) Registrar of Fishing Vessels; and
- (b) Deputy Registrar of Fishing Vessels; and
- (c) Registrar of Permits; and
- (d) Deputy Registrar of Permits; and
- (e) Registrar of Quota; and
- (f) Deputy Registrar of Quota; and
- (g) Registrar of Annual Catch Entitlement; and
- (h) Deputy Registrar of Annual Catch Entitlement.

90. Statutory references to Registrars and Deputy Registrars--- (1)

This section applies to every reference in the principal Act to---

- (a) The Registrar of Fishing Vessels; or
- (b) The Registrar of Permits; or
- (c) A Registrar of Quota; or
- (d) A Registrar of Annual Catch Entitlement; or
- (e) Any of those registrars generally.

(2) Every reference to which this section applies must be read as a reference to the chief executive.

(3) Every reference in the principal Act to the chief executive being required to notify a registrar of a matter, or a registrar being required to notify the chief executive of a matter, must be disregarded.

90. Statutory references to Registrars and Deputy Registrars--- (1)

This section applies to every reference in the principal Act to---

- (a) The Registrar of Fishing Vessels; or
- (b) The Registrar of Permits; or
- (c) A Registrar of Quota; or
- (d) A Registrar of Annual Catch Entitlement; or
- (e) Any of those registrars generally.

(2) Every reference to which this section applies must be read as a reference to the chief executive.

(3) Every reference in the principal Act to the chief executive being required to notify a registrar of a matter, or a registrar being required to notify the chief executive of a matter, must be disregarded.

91. Fisheries (Cost Recovery Levies) Order--- Despite the repeal of section 262 of the principal Act by this Act, any order under that section in force immediately before its repeal continues in force and has the same effect as if it had been made under section 264 of the principal Act (as substituted by this Act) until revoked under the principal Act.

SCHEDULES

SCHEDULE 1

Section 88 (1)

Descriptions of New Quota Management Areas Inserted

``Southern Blue Whiting (SBW) Management Areas

``Quota Management Area SBW1---New Zealand (Excluding Sub-Antarctic)
All that area of New Zealand waters lying within Fishery Management Areas 1, 2, 3, 4, 5, 7, 8, 9, and 10.

``Quota Management Area SBW6A---Auckland Islands

All that area of New Zealand fisheries waters within Fishery Management Area 6 west of 168deg. 30.0'E.

``Quota Management Area SBW6B---Bounty Platform

All that area of New Zealand fisheries waters within Fishery Management Area 6 east of 176deg. E.

``Quota Management Area SBW6I---Campbell Island Rise

All that area of New Zealand fisheries waters within Fishery Management Area 6 south of a line at 50deg. 30.0'S, such a line extending in the west to 168deg. 30.0'E, and in the east to 176deg.E. This area is bounded in the west by a line extending due south from a point at 168deg. 30.0'E, and in the east by a line extending due south from a point at 176deg. E.

``Quota Management Area SBW6R---Pukaki Rise

All that area of New Zealand fisheries waters within Fishery Management Area 6 north of a line at 50deg. 30.0'S, such a line extending in the west to 168deg. 30.0'E, and in the east to 176deg. E. This area is bounded in the west by a line extending due north from a point at 168deg. 30.0'E, and in the east by a line extending due north from a point at 176deg. E.''

SCHEDULE 2

Section 88 (2)

new schedule 5a inserted in principal act

``SCHEDULE 5A

Sections 67A and 340A

Stocks to Which Sections 67a and 340a do not Apply

CRA1
CRA2
CRA3
CRA4
CRA5
CRA6
CRA7
CRA8
CRA9
CRA10
OYS7
OYU5
PHC1
PAU1
PAU2
PAU3
PAU4
PAU5A
PAU5B
PAU5D
PAU6
PAU6A

PAU7
PAU10
SCA1
SCA7''

SCHEDULE 3

Section 88 (4)

new eighth schedule substituted in principal act

``EIGHTH SCHEDULE

Section 74

``Minimum Annual Holdings of Annual Catch Entitlement for Specified
Stocks

PART 1

Stock	Minimum Holding (Tonnes)
CRA1	3
CRA2	3
CRA3	3
CRA4	3
CRA5	3
CRA6	3
CRA7	3
CRA8	3
CRA9	3
CRA10	3
OYS7	3

PHC1	3
PAU1	1
PAU2	1
PAU3	1
PAU4	1
PAU5A	1
PAU5B	1
PAU5D	1
PAU6	1
PAU6A	1
PAU7	1
PAU10	1
SCA1	3
SCA7	3

PART 2

Stock	Minimum Holding (Oysters)
OYU5	29 000

SCHEDULE 4

Section 88 (5)

new parts 6 to 12 added to ninth schedule of principal act

``PART 6

``Pale Ghost Shark Quota Allocations

``Quota Management Area GSP 1

		Client Number	Quota Allocation (Tonnes)
Legal	Name		
Sanford Ltd		8422125	4.620
Simunovich Fisheries Ltd		8422209	5.932
Adam, John Russel		8430006	.005
Moys, Barry Robert		8431721	.043
Stella Fisheries Ltd		8442292	.001
Jenssen, Jens Rydher		8443473	.377
Greco, Glen Raphael		8450915	.013
O'Callaghan, Raymond Eroll		8451809	.360
Palmer, Stanley Dennis Roy		8451859	.116
Saunders, Alfred John		8452132	3.216
Saunders, Robert William		8452133	.243
Imlach, Jack Noel & Imlach, Gary Allan		8453310	4.332
Amaltal Fishing Co Ltd		8460042	.814
Fishburn, Thomas Albert		8460745	.493
McDonald & Brown Ltd		8461577	.014
Westbay Seafoods Ltd		8461835	1.821
Sealord Group Limited		8462165	6.940
Staunton Investments Ltd		8470000	5.617
Beggs, Robert McClean		8470171	.168
Bolton, Stephen Paul		8470226	.020
Cleall, Richard James		8470453	.744
Fearnley, Royden Garth		8470716	.074
Forbes, Ross Leslie		8470773	.002
Freestone, John		8470807	.322
Goodyer, Timothy Mark		8470888	.075
Harmon, Geoffrey Charles		8470994	.071
Hill, Craig Raoul		8471103	.061
Independent Fisheries Ltd		8471188	.250
Austro Fishing Limited		8471196	7.833
Lyttelton Trawling Co Ltd		8471464	2.309
Ocean Fisheries Ltd		8471824	.164
Pegasus Bay Fishing Co Ltd		8471897	6.808
Summerton, Gregory Mark		8472325	.088
Tissiman Bros Ltd		8472439	.149

United Fisheries Ltd	8472481	19.675
Virgo Fisheries Ltd	8472500	.891
Dobbie, Simon William	8472915	.005
Serene Fishing Co. Ltd	8472918	3.098
Thain, Roger Owen & Thain, Phyllis Anne	8473462	.001
Fearnley, Brent Mervyn & Fearnley, Ann	8473465	.025
Barber, Barrie Anthony	8480125	.235
Brown, Edwin Lewin	8480296	1.568
Chaplin, John Macintosh	8480408	.074
Sanford South Island Ltd	8480726	153.983
Hyland, Francis Lancelot	8481177	.017
Low, Bryon Robert	8481449	1.288
Mitchell, Brent John & Mitchell, Raymond Douglas	8481684	.854
Olsen, David Herbert	8481831	.002
Otakou Fisheries Ltd	8481840	.170
Tubb, Malcolm Leslie	8482463	.001
Pioneer Fisheries Co Ltd	8483445	6.681
Dobson, John Alan	8570001	.006
The Minister of Fisheries	8600000	.372
Treaty of Waitangi Fisheries Commission	8600300	101.800
Deadman, Brian Sydney and Lees, Robert Whitelaw, Trading as Mount Fish Market	8630094	.008
Vela Fishing Limited	8640050	26.399
Harbour Inn Holdings Ltd	8650036	.496
Lim Family Holdings Limited	8650062	1.103
Wellington Trawling Co Ltd	8650071	.053
Amaltal Corporation Limited	8660047	5.583
Canterbury Bight Fisheries Limited	8670050	11.266
Talasa Fishing Company Limited	8670072	34.775
Globe Export Fisheries Limited	8680023	.050
Deepcove Fisheries Limited	8680024	4.942
Rambler Fishing Co Ltd	8680027	.473
McGregor, Duncan Eugene	8730079	.001
Barron Fishing Limited	8740070	1.133
Howell, Wayne Terrence	8810054	.045
Aston Trawling Company Partnership being Michael Sclanders Taylor Trust, Denis Michael Lander Family Trust and Bevan Howard de Berry Family Trust	8840010	.273
Scampi Corp Ltd	8840059	1.115
Boote, Craig Robert and Boote, Diane Wendy	8860075	.124
Pacifica Seafoods (Christchurch) Limited	8870021	.983
Waghorn, Allan Derek	8870093	1.672
Harris, Kenneth Charles	8880026	.187
Moana Fishing Limited	8920069	.029
Moana Pacific Quota Holdings Ltd	8920089	.256
Kiwi Coast Seafoods Limited	8930024	.030
Greco, David Graeme	8940048	.012
Aurora Fisheries Limited	8960136	3.100
Jones, Derek Leonard	8970058	.021
Ngai Tahu Fisheries Limited	8970117	.035
Wilson, Ivan Lewis & Wilson,	9030058	.089

Murray Steven		
Palmer, Dennis & Brent	9040115	.067
Donker Marine (1988) Limited	9060030	.266
South Pacific Fishing Company Limited	9060092	5.394
Claridge, Adrian Owen	9070002	.331
Stavefield Holdings No 63 Limited	9070117	3.597
Odey Fishing Company Limited	9080001	13.060
Pacifica Seafoods (Dunedin) Limited	9080002	.813
Hunter, Peter McKinlay & Pauline Gwennyth	9080008	.012
Southern Ocean Trawlers Limited	9080009	15.167
Antons Trawling Company Limited	9120022	.108
Kiddie, Brian George	9130059	.003
Thurlow, Warren Keith & Thurlow, Bridget	9160081	.002
Te Whakaru Holding Company Limited	9170030	.022
File, Colin John	9180009	.099
Bartlett, Roger Owen & Allison, Trevor Robert trading as M.V. Tiki Partnership	9180024	.117
Te Ika Paewai Ltd	9260029	27.212
Jenkins, Ross Harley & Moir, Laryanne Pearl	9280036	.033
Straight Arrow Holdings Ltd	9440078	.249
D'urville Fishing Co Ltd	9440079	3.276
Physalie Marine Services Ltd	9460073	.014
Amos, Cushla May	9510053	.064
TOTAL		509.000

``PART 7

``Pale Ghost Shark Quota Allocations

``Quota Management Area GSP 5

Legal	Name	Client Number	Quota Allocation (Tonnes)
Sanford Ltd		8422125	2.588
Amaltal Fishing Co Ltd		8460042	.351
Sealord Group Limited		8462165	9.748
Staunton Investments Ltd		8470000	.084
Independent Fisheries Ltd		8471188	.120
United Fisheries Ltd		8472481	1.204
Sanford South Island Ltd		8480726	7.831
Low, Bryon Robert		8481449	.042
Otakou Fisheries Ltd		8481840	.249
Fisheries (South Island) Limited		8490755	.417
Urwin & Company Limited		8492485	.102
Treaty of Waitangi Fisheries Commission		8600300	23.600
Vela Fishing Limited		8640050	41.929
Amaltal Corporation Limited		8660047	1.624
Canterbury Bight Fisheries Limited		8670050	.092

Talasa Fishing Company Limited	8670072	.048
Deepcove Fisheries Limited	8680024	.190
Young, Trevor	8690020	.064
Amalgamated Marketing Ltd	8820078	10.450
Aurora Fisheries Limited	8960136	.718
Young, John Charles	8990004	.208
South Pacific Fishing Company Limited	9060092	.462
Stavefield Holdings No 63 Limited	9070117	.254
Pacifica Seafoods (Dunedin) Limited	9080002	.043
Southern Ocean Trawlers Limited	9080009	.317
Paulin, Ronald William	9090086	.007
Te Ika Paewai Ltd	9260029	15.258
TOTAL		118.000

``PART 8

``Pale Ghost Shark Quota Allocations

``Quota Management Area GSP 7

Legal	Name	Client Number	Quota Allocation (Tonnes)
Douglass, Adrian		8410627	.001
Sanford Ltd		8422125	.053
Simunovich Fisheries Ltd		8422209	3.788
Hayman, David McKay & Brown, David Boyd		8451047	.068
O'Callaghan, Raymond Eroll		8451809	.173
Saunders, Alfred John		8452132	6.958
Saunders, Robert William		8452133	5.955
Imlach, Jack Noel & Imlach, Gary Allan		8453310	.713
Amaltal Fishing Co Ltd		8460042	.195
Brace, Malcolm Jack & Brace, Arthur Jack		8460249	.002
Briggs, Kelly Dominic		8460271	.023
Collins, Edward Laurence		8460470	6.650
Fishburn, Robert Alfred		8460744	13.568
Fishburn, Thomas Albert		8460745	25.619
Horncastle, Leslie Henry		8461141	1.179
Jowers, Lyndon Neil		8461265	.001
Kelly, Leigh		8461291	.024
King-Turner, Victor Robert		8461326	.001
McDonald & Brown Ltd		8461577	1.297
Westbay Seafoods Ltd		8461835	1.422
R J & J E Butts Ltd		8462044	.296
Roach, Graham Philip		8462045	6.618
Sealord Group Limited		8462165	.902
Taylor, Quinton George		8462377	.101
Waikawa Fishing Co Ltd		8462516	.159
Waterman, Graeme Arthur		8462563	.003
Webb, Graham Francis & Webb, Janice Lorraine		8462579	.005
Winchester, Kevin George		8462677	.086

Talleys Fisheries Ltd	8462926	.637
Winchester, Stephen John	8462928	.110
Pegasus Bay Fishing Co Ltd	8471897	.043
United Fisheries Ltd	8472481	1.105
Sanford South Island Ltd	8480726	13.053
Urwin & Company Limited	8492485	.661
Weiss, Thomas	8560011	9.338
The Minister of Fisheries	8600000	.008
Treaty of Waitangi Fisheries Commission	8600300	35.200
Vela Fishing Limited	8640050	1.811
Egmont Seafoods Ltd	8650034	.038
Lim Family Holdings Limited	8650062	1.068
Rooney, Allan John	8660025	.001
Amaltal Corporation Limited	8660047	1.015
Moles, Trevor	8660067	.400
Seaqueen Fisheries Ltd	8660072	.568
Eden, Grant	8660084	.015
Talasa Fishing Company Limited	8670072	2.609
Deepcove Fisheries Limited	8680024	.006
McKenzie, Ian Robert	8760007	.003
Coppell, Ross Steven	8760008	.630
Aston Trawling Company Partnership being Michael Sclanders Taylor Trust, Denis Michael Lander Family Trust and Bevan Howard de Berry Family Trust	8840010	.219
Scampi Corp Ltd	8840059	.016
Boote, Craig Robert and Boote, Diane Wendy	8860075	3.583
Prendergast, Philip James & Prendergast, Patricia Eileen	8860129	.025
Waghorn, Allan Derek	8870093	10.594
Moana Fishing Limited	8920069	.125
Moana Pacific Quota Holdings Ltd	8920089	.059
Bamford, Mark Douglas	8940119	.001
Aurora Fisheries Limited	8960136	.065
Ngai Tahu Fisheries Limited	8970117	.015
Young, John Charles	8990004	.065
Palmer, Dennis & Brent	9040115	.012
Donker Marine (1988) Limited	9060030	2.320
Pursuit Fishing Limited	9060076	4.821
South Pacific Fishing Company Limited	9060092	.289
Bloomfield, Patrick William	9060098	1.018
Stavefield Holdings No 63 Limited	9070117	1.938
Southern Ocean Trawlers Limited	9080009	.219
Ganymede Enterprises Limited	9160090	.347
Te Ika Paewai Ltd	9260029	1.460
Straight Arrow Holdings Ltd	9440078	.328
D'urville Fishing Co Ltd	9440079	.056
Physalie Marine Services Ltd	9460073	1.322
Valliant Fishing Limited	9660005	1.939
J. S. Fishing Ltd	9660039	.985
TOTAL		176.000

``PART 9

``Southern Blue Whiting Quota Allocations

``Quota Management Area SBW6A

Legal Name	Client Number	Quota Allocation (Tonnes)
Amalgamated Marketing Limited	8820078	92.321
Independent Fisheries Limited	8471188	278.913
Greben Fishing Limited	8770045	50.388
Vela Fishing Limited	8640050	60.341
Sanford SI Limited	8480726	189.731
Amaltal Fishing Co. Limited	8460042	146.299
Aurora Fisheries Limited	8960136	59.181
Sealord Charters Limited	9260031	413.619
South Island Deep Water Fisheries Limited	8472269	21.207
Treaty of Waitangi Fisheries Commission	8600300	328.000

``PART 10

``Southern Blue Whiting Quota Allocations

``Quota Management Area SBW6B

Legal Name	Client Number	Quota Allocation (Tonnes)
Amalgamated Marketing Limited	8820078	866.914
Independent Fisheries Limited	8471188	2,619.062
Greben Fishing Limited	8770045	473.151
Vela Fishing Limited	8640050	566.614
Sanford SI Limited	8480726	1,781.621
Amaltal Fishing Co. Limited	8460042	1,373.786
Aurora Fisheries Limited	8960136	555.728
Sealord Charters Limited	9260031	3,883.986
South Island Deep Water Fisheries Limited	8472269	199.138
Treaty of Waitangi Fisheries Commission	8600300	3,080.000

``PART 11

``Southern Blue Whiting Quota Allocations

``Quota Management Area SBW6I

Legal Name	Client Number	Quota Allocation (Tonnes)
Amalgamated Marketing Limited	8820078	1,996.153
Independent Fisheries Limited	8471188	6,030.646
Greben Fishing Limited	8770045	1,089.478
Vela Fishing Limited	8640050	1,304.683

Sanford SI Limited	8480726	4,102.355
Amaltal Fishing Co. Limited	8460042	3,163.277
Aurora Fisheries Limited	8960136	1,279.617
Sealord Charters Limited	9260031	8,943.257
South Island Deep Water Fisheries Limited	8472269	458.534
Treaty of Waitangi Fisheries Commission	8600300	7,092.000

``PART 12

``Southern Blue Whiting Quota Allocations

``Quota Management Area SBW6R

Legal Name	Client Number	Quota Allocation (Tonnes)	
Amalgamated Marketing Limited	8820078	309.612	
Independent Fisheries Limited	8471188	935.379	
Greben Fishing Limited	8770045	168.983	
Vela Fishing Limited	8640050	202.362	
Sanford SI Limited	8480726	636.293	
Amaltal Fishing Co. Limited	8460042	490.638	
Aurora Fisheries Limited	8960136	198.474	
Sealord Charters Limited	9260031	1,387.138	
South Island Deep Water Fisheries Limited	8472269	71.121	
Treaty of Waitangi Fisheries Commission	8600300	1,100.000	' ,