

Maori Fisheries Amendment Act 2006 078
Commenced: 13 December 2006

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Maori Fisheries Amendment Act 2006.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Maori Fisheries Act 2004.

4 Obligation to establish and maintain iwi register

Section 40(3)(d) is amended by inserting "10A or" after "clause".

5 New heading and sections 147A and 147B inserted

The following heading and sections are inserted after section 147:

"Adjustments to number of quota shares available for distribution

"147A Recalculation of allocations of deepwater stock

"(1) Subsection (2) applies if---

"(a) the number of shares for a stock available for distribution is reduced by the application of section 23(1) of the Fisheries Act 1996 as a result of accrued interests arising under section 28N of the Fisheries Act 1983; and

"(b) deepwater stock has been allocated to an iwi under section 141 or 142; but

"(c) the quota shares have not been transferred to the iwi.

"(2) Te Ohu Kai Moana Trustee Limited must recalculate the number of quota shares allocated to an iwi, and amend the register accordingly.

"147B Allocation of reduced number of quota shares

The number of quota shares listed in the third column of Schedule 1 for a quota management stock is reduced in the same proportion as the number of settlement quota shares for that stock is reduced if section 23(1) of the Fisheries Act 1996 applies as a result of accrued interests arising under section 28N of the Fisheries Act 1983."

6 New heading and section 148A inserted

The following heading and section are inserted after section 148:

"Alteration of quota management areas under Fisheries Act 1996

"148A Consequence of altering quota management area

"(1) This section applies to Te Ohu Kai Moana Trustee Limited if---

"(a) a quota management area is altered under section 25 of the Fisheries Act 1996; and

"(b) settlement quota for that area has not been fully allocated under this Act.

"(2) Te Ohu Kai Moana Trustee Limited must---

"(a) first calculate all entitlements to settlement quota for the relevant stock as if the quota management area had not been altered under section 25 of the Fisheries Act 1996; and

"(b) then convert the amount of the quota shares for the stock to the shares relevant to the altered quota management area, applying the method set out in either---

"(i) the quota owner agreement entered into under section 25A of the Fisheries Act 1996 for that stock; or

"(ii) the plan approved by the Minister under section 25B of the Fisheries Act 1996 for that stock."

7 Schedule 1 amended

(1) Part 1 of Schedule 1 is amended by omitting from the third column,---

(a) in relation to the item BNS2, "9 720 632" and substituting "8 680 520"; and

(b) in relation to the item SCH3, "9 999 845" and substituting "8 775 780"; and

(c) in relation to the item SCH7, "10 000 000" and substituting "8 812 748"; and

(d) in relation to the item SCH8, "10 000 000" and substituting "9 876 709"; and

(e) in relation to the item SPO2, "9 998 056" and substituting "9 574 340"; and

(f) in relation to the item TAR2, "10 000 000" and substituting "9 865 861"; and

(g) in relation to the item TAR3, "9 999 401", and substituting the expression "9 593 345".

(2) Part 2 of Schedule 1 is amended by omitting from the second column,---

(a) in relation to the item CHC1, "IN" and substituting "DW"; and

- (b) in relation to the item CHC2, "IN" and substituting "DW"; and
- (c) in relation to the item CHC3, "IN" and substituting "DW"; and
- (d) in relation to the item CHC4, "IN+" and substituting "DW+" and
- (e) in relation to the item CHC5, "IN+" and substituting "DW+"; and
- (f) in relation to the item CHC6, "IN" and substituting "DW"; and
- (g) in relation to the item CHC7, "IN" and substituting "DW"; and
- (h) in relation to the item CHC8, "IN" and substituting "DW"; and
- (i) in relation to the item CHC9, "IN" and substituting "DW".

8 Schedule 6 amended

- (1) Clause 4 of Schedule 6 is amended by adding the following subclause:

"(5) To avoid doubt, this clause does not apply to a claim for harbour quota."

- (2) Schedule 6 is amended by inserting the following clause after clause 10:

"10A Determination of entitlements for harbour quota

"(1) This clause applies when Te Ohu Kai Moana Trustee Limited, after receiving a coastline claim for harbour quota,---

"(a) has verified the matters set out in clause 10(1)(a) and (b); and

"(b) is satisfied as to the matters set out in clause 10(1)(c).

"(2) Te Ohu Kai Moana Trustee Limited must determine coastline entitlements for harbour quota by multiplying the percentage set out in the claim (as required by clause 3(2)(c)) by the total number of harbour quota shares for the relevant stock and harbour.

"(3) For each harbour quota stock, the percentage set out in the claim and the number of shares resulting from the calculation made under subclause (2) together describe the coastline entitlement for the claimant iwi."

(3) The heading to clause 11 of Schedule 6 is amended by adding "other than for harbour quota".

- (4) Schedule 6 is amended by inserting the following clause after clause 11:

"11A Recalculation of entitlements

"(1) Subsection (2) applies if---

"(a) the number of shares for a stock available for distribution is reduced by the application of section 23(1) of the Fisheries Act 1996 as a

result of accrued rights arising under section 28N of the Fisheries Act 1983;
and

"(b) an iwi entitlement to a stock has been calculated and registered
under clause 10A or 11; but

"(c) the quota shares have not been transferred to the iwi.

"(2) Te Ohu Kai Moana Trustee Limited must recalculate the number of shares
of the entitlement and amend the register."

9 Validation

(1) Subsection (2) applies if, before the commencement of this Act,---

(a) Te Ohu Kai Moana Trustee Limited has applied under section 157 for
the registration of a settlement quota interest; and

(b) the chief executive has registered a settlement quota interest
against quota shares under section 152A of the Fisheries Act 1996.

(2) An application or registration referred to in subsection (1) must be
treated as having been made or effected in compliance with the reduced number
of quota shares set out in section 7(1).

(3) Subsection (4) applies if, before the commencement of this Act, Te Ohu
Kai Moana Trustee Limited has allocated and transferred quota shares for
fishstocks listed in section 7(1) in accordance with the reduced number of
quota shares provided for by that subsection.

(4) Every allocation and transfer referred to in subsection (3) must be
treated as if each complied with the requirements of the principal Act.

Legislative history

6 December 2006 Divided from Maori Purposes Bill (Bill 55-2) as
Bill 55-3C

7 December 2006 Third reading