



Fisheries Amendment Act (No 2) 2008

Public Act 2008 No 93
Date of assent 27 September 2008
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Fisheries Amendment Act (No 2) 2008.

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 Fisheries Act 1996.

4 New section 186D substituted

Section 186D is repealed and the following section substituted:

“186D Request for aquaculture decision

- “(1) A regional council may request the chief executive to make—
- “(a) an aquaculture decision in relation to an area to be included as an aquaculture management area in a proposed regional coastal plan:
 - “(b) a further aquaculture decision for the purposes of section 186H(1)(d)(ii) of this Act or section 41(1)(d)(ii) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.
- “(2) However, the regional council must not make a request under subsection (1)(a) if the area is an area in relation to which section 186F precludes the chief executive from making an aquaculture decision.”

5 New section 186F substituted

Section 186F is repealed and the following section substituted:

“186F Aquaculture decisions must not be made in relation to certain areas

- “(1) The chief executive must not make an aquaculture decision if the decision would apply to an area—
- “(a) that is subject to a deemed coastal permit under section 10, 20, or 21 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; or
 - “(b) that is an aquaculture management area in relation to which a determination has already been made under section 186E of this Act or section 38 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

“(2) However, subsection (1) does not prevent the chief executive making a further aquaculture decision for the purposes of section 186H(1)(d)(ii) of this Act or section 41(1)(d)(ii) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.”

6 Fishers whose consent is necessary for aquaculture agreement

Section 186ZF is amended by repealing subsection (5) and substituting the following subsections:

“(5) Where the regional council proposes to make an offer of authorisations for available space in an aquaculture management area under section 165E of the Resource Management Act 1991, subsection (2) applies to the persons specified in that subsection as at 5 pm on the date on which notice is given under section 165G(2)(a) of the Resource Management Act 1991.

“(6) Where space in the coastal marine area is subject to applications to which section 165BC of the Resource Management Act 1991 applies, subsection (2) applies to the persons specified in that subsection as at 5 pm on the date on which notice is given under section 165G(2)(c) of that Act.”

7 Period within which aquaculture agreements must be lodged for registration

Section 186ZI(1) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) within 6 months after,—

“(i) where an offer of authorisations is to be made under section 165E of the Resource Management Act 1991, the date referred to in section 186ZF(5); or

“(ii) where space in the coastal marine area is subject to applications to which section 165BC of the Resource Management Act 1991 applies, the date referred to in section 186ZF(6); or

“(iii) the date on which a notice of receipt is given under section 15(3) of the Maori Commercial Aquaculture Claims Settlement Act 2004.”

8 New section 186ZL substituted

Section 186ZL is repealed and the following section substituted:

“186ZL Memorials

- “(1) Subsection (2) applies if—
- “(a) a regional council gives notice under—
 - “(i) section 165G(2)(a) of the Resource Management Act 1991 in relation to available space in an aquaculture management area; or
 - “(ii) section 165G(2)(c) of the Resource Management Act 1991 in relation to space in the coastal marine area that is subject to an application to which section 165BC of that Act applies; and
 - “(b) the space is subject to a reservation in relation to commercial fishing.
- “(2) The chief executive must ensure that a memorial is recorded in the appropriate register against all quota for the stocks specified in a notice given by the chief executive under section 186H of this Act or section 41 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 in relation to the reservation.
- “(3) A memorial must be to the effect that—
- “(a) the chief executive has made a reservation under section 186E of this Act or section 38 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; and
 - “(b) as a result, an aquaculture agreement can be registered under this Part; and
 - “(c) if an agreement is registered, fishing may be affected by the allocation of space in the area subject to the reservation for aquaculture activities.
- “(4) A memorial recorded in a register under subsection (2) that relates to a notice referred to in—
- “(a) subsection (1)(a)(i) must be cancelled on the expiry of the period specified in section 186ZI(1)(b)(i);
 - “(b) subsection (1)(a)(ii) must be cancelled on the expiry of the period specified in section 186ZI(1)(b)(ii).
- “(5) If a memorial recorded in a register under subsection (2) applies to space that is the subject of an authorisation allo-

cated to the trustee under section 9 of the Maori Commercial Aquaculture Claims Settlement Act 2004, the memorial does not expire until the end of the period specified in section 186ZI(1)(b)(iii).”

Legislative history

23 September 2008	Divided from Aquaculture Legislation Amendment Bill (Bill 239–2) by committee of the whole House
23 September 2008	Third reading
27 September 2008	Royal assent

This Act is administered by the Ministry of Fisheries.
