



**FISHERIES (LAKE ELLESMERE EEL QUOTA) REGULATIONS
1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of December 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation

3. Quota imposed
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Lake Ellesmere Eel Quota) Regulations 1997.

(2) These regulations come into force on 1 February 1998.

2. Interpretation—In these regulations—

“Eels” means short-finned freshwater eels (*Anguilla australis*) and long-finned eels (*Anguilla dieffenbachii*);

“Lake Ellesmere area” means all that area bounded by a line commencing at a point on the mean high-water mark of the sea, being the westernmost point of Ohahoa Bay, Block VIII, Ellesmere Survey District, and proceeding north-westerly along a line to the Templeton Railway Station; then along the main north-south railway line to the place where the railway line crosses the northern banks of the Rakaia River; then along the northern bank of the Rakaia River to the seaward side of the northern bank of the outlet; then along the seaward side of Kaitorete Spit to the point of commencement:

“Lake Ellesmere eel fishery” means all eel fisheries within the Lake Ellesmere area:

“Quota period” means a 12-month period commencing on 1 February in any year and ending on 31 January in the following year.

3. Quota imposed—A quota of 170.626 tonnes is imposed on the taking of eels from the Lake Ellesmere eel fishery by commercial fishers during any quota period.

4. Allocation of quota by notice—(1) The Minister may, by notice in the *Gazette*, allocate the quota prescribed under these regulations to such commercial fishers as the Minister may specify in the notice.

(2) The notice may specify the maximum percentage of long-finned freshwater eels that may be taken under the allocations.

(3) The Minister may not amend the list of persons to whom quota is allocated except—

(a) For the purpose of correcting an error or reflecting a change in the name or title of any person already listed in the notice; or

(b) Where an original quota holder has died, and had expressed a wish for a person who is connected to the deceased quota holder by marriage, adoption, or blood relationship (as defined in section 34 (3) of the Fisheries Act 1983) to take over the quota, by allocating the quota to that person.

(4) If the Minister allocates quota to a person under subclause (3) (b), an amount equal to the amount of catch already taken against the quota of the deceased quota holder during the quota period is deemed to have also been taken against the newly allocated quota during that quota period.

5. Offences—Every commercial fisher commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—

(a) Not having received an allocation of quota under regulation 4, takes any eel from the Lake Ellesmere eel fishery; or

(b) Having received an allocation of quota under regulation 4, takes any eel from the Lake Ellesmere eel fishery in excess of that allocation.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations set an overall quota of 170,626 tonnes on the Lake Ellesmere eel fishery for each 12-month quota period commencing on 1 February in any year. Individual allocations of quota will be made by the Minister by notice in the *Gazette*.

The regulations should be read in conjunction with the Fisheries (Lake Ellesmere Eel Fishery) Decontrolling Order 1997, which declares the end of the current controlled fishery with effect from 1 February 1998.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 December 1997.

These regulations are administered in the Ministry of Fisheries.