



# Fisheries (South-East Area Commercial Fishing) Amendment Regulations (No 3) 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 13th day of December 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 297 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Regulations

#### 1 Title

- (1) These regulations are the Fisheries (South-East Area Commercial Fishing) Amendment Regulations (No 3) 2004.

- (2) In these regulations, the Fisheries (South-East Area Commercial Fishing) Regulations 1986<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1986/219

## **2 Commencement**

These regulations come into force on 14 January 2005.

## **3 Taking of eels from Lakes Forsyth and Ellesmere and Wainono Lagoon restricted**

- (1) Regulation 11N of the principal regulations is amended by omitting the heading, and substituting the heading “**Taking of eels restricted**”.
- (2) Regulation 11N(1)(a) of the principal regulations is amended by inserting, after the words “Lake Forsyth” wherever they appear, the word “(Wairewa)”.
- (3) Regulation 11N(1)(a) of the principal regulations is amended by revoking subparagraph (iv) and substituting the following subparagraph:
- “(iv) the Wainono Lagoon or the Waihao River, including any river or stream that flows into or from the Wainono Lagoon or the Waihao River, or any tributary of any river or stream that flows into or from the Wainono Lagoon or the Waihao River; or”.
- (4) Regulation 11N(2), (3), (4), and (5) of the principal regulations is amended by inserting, after the words “Lake Ellesmere” wherever they appear, the words “(Te Waihora)”.

## **4 New regulation 11Q inserted**

The principal regulations are amended by inserting, after regulation 11P, the following regulation:

### **“11Q Taking of eels from Lake Benmore and Rangitata Lagoon restricted**

No commercial fisher may—

“(a) take eels from—

- “(i) the waters of the Ahururi Arm of Lake Benmore, extending westward of a line drawn northeast from Turnagain Point to the south-westernmost

- part of the Peninsula lying to the north and east of Turnagain Island, including any river or stream or their tributaries that flow into that Arm.; or
- “(ii) the waters of the Rangitata Lagoon seaward of the Fish and Game New Zealand white marker posts situated at the upper estuarine area of the Rangitata Lagoon (north bank pole at 44°10.807’S and 171°30.299’E; south bank pole at 44°10.968’S and 171°29.874’E); or
- “(b) be in possession of any eel taken from those waters.”

## 5 Offences

Regulation 12(2) of the principal regulations is amended by omitting the words “ or 11P(2)”, and substituting the words “11P(2), or 11Q”.

## 6 Further amendments to principal regulations

The schedule sets out further amendments required to place names used in the principal regulations in order to give effect to changes that have been made in accordance with the New Zealand Geographic Board Act 1946.

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## Schedule

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### Further amendments to principal regulations

#### Regulation 2(1)

Insert in the definition of **male shortfinned eel migration area**, after the words “Lake Ellesmere”, the words “(Te Waihora)”.

#### Regulation 2A and heading to regulation 2A

Insert after the words “Lake Ellesmere” the words “(Te Waihora)”.

#### Regulation 3

Insert in subclauses (2), (3), and (4), after the words “Lake Ellesmere”, wherever the appear, the words “(Te Waihora)”.

Insert in subclause (3), after the words “Lake Forsyth”, the word “(Wairewa)”.

Insert in subclause 4(b)(iii), after the words “Selwyn River”, the word “/Waikirikiri”.

### **Regulation 5**

Insert in subclause (1)(e), after the word “Ashburton”, the word “/Hakatere”.

Insert in subclause (3)(b)(i), after the words “Lyttelton Harbour”, the word “/Whakaraupō”.

Insert in subclause (3)(b)(ii), after the words “Port Levy”, the words “(Potiriwi)/Koukourarata”.

### **Regulation 10A(1)**

Insert in paragraph (b), after the words “Stewart Island”, the word “/Rakiura”.

### **Regulation 11D**

Insert in paragraph (c), after the words “Shag River”, the word “(Waihemo)”, and after the words “Shag River”, the word “(Waihemo)”.

### **Regulation 11P and heading to regulation 11P**

Insert after the words “Lake Ellesmere”, wherever they appear, the words “(Te Waihora)”.

Insert in subclause (1)(d)(i), before the word “migration”, the words “(Te Waihora)”.

Omit from subclause (1)(d)(ii) the word “Ellesmere” and substitute the words “Ellesmere (Te Waihora)”.

Diane Morcom,  
Clerk of the Executive Council.

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### **Explanatory note**

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

These regulations amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986 (“the principal regulations”). They come into force on 14 January 2005.

The amendments extend the area to which the restriction of regulation 11N of the principal regulations applies, by including the Waihao River, the rivers and streams that flow into or from that river or the Wainono Lagoon, and any tributaries of those rivers and

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streams. These areas are now closed to commercial freshwater eel fishing.

*New regulation 11Q* of the principal regulations restricts the taking of eels commercially in relation to the specified areas of Lake Benmore and the Rangitata Lagoon.

The amendments also make changes to place names used in the principal regulations required to give effect to changes made to these place names in accordance with the New Zealand Geographic Board Act 1946. The *Schedule* sets out the further such amendments.

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

Date of notification in *Gazette*: 16 December 2004.

These regulations are administered in the Ministry of Fisheries.

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