

Fisheries Amendment Act 2000 020

Commenced: 1 July 2000

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The Parliament of New Zealand enacts as follows:

1. Title

This Act is the Fisheries Amendment Act 2000.

2. Commencement

(1) Except as provided in subsection (2), this Act comes into force on 1 July 2000.

(2) Section 31 is deemed to have come into force on 1 October 1999.

Part 1
Amendments to Fisheries Act 1996

3. Fisheries Act 1996 called principal Act in this Part In this Part, the Fisheries Act 1996 is called "the principal Act".

4. Purpose of this Part

The purpose of this Part is---

(a) to provide for a process for the introduction into the quota management system of, and allocation of quota for, the stocks listed in the Fourth Schedule of the principal Act:

(b) to introduce freshwater eel in the South Island into the quota management system.

5. Interpretation

Section 2(1) of the principal Act is amended by inserting in the definition of fishing year, after paragraph (a), the following paragraph:

"(aa) in relation to freshwater eel subject to an Order in Council under section 369L(1), a period of 12 months commencing on each 1 February:".

6. Notification of eligibility to receive provisional catch history Section 35 of the principal Act is amended by repealing subsections (6) and (7), and substituting the following subsection:

"(6) Despite anything in this Part, quota for a stock listed in the Fourth Schedule must be allocated in accordance with sections 50A to 50G if, after deciding on the matters referred to in subsection (1) and estimating the likely total provisional catch history, the chief executive determines that the total amount of provisional catch history for that stock (excluding provisional catch history held or likely to be held by the Crown) will or is likely to exceed the quota weight equivalent of 80 000 000 shares in that stock."

7. Criteria of eligibility to receive provisional catch history for stock controlled by individual catch entitlement Section 39 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsection:

"(2) Despite anything in this Part, quota for a stock listed in the Fourth Schedule that is subject to this section must be allocated in accordance with sections 50A to 50G if the chief executive determines that the total amount of individual catch entitlements for that stock held by eligible commercial fishers (excluding individual catch entitlements held or likely to be held by the Crown) will or is likely to exceed the quota weight equivalent of 80 000 000 shares in that stock."

8. Commission entitled to 20 percent of total new quota

(1) Section 44(2) of the principal Act is amended by omitting the word "Every", and substituting the words "Subject to subsection (3), every".

(2) Section 44 of the principal Act is amended by adding the following subsection:

"(3) Every allocation under subsection (1) in respect of a stock to which section 50A applies must be made when either---

"(a) the chief executive determines, under section 50E, that the number of unencumbered quota shares held by persons other than the Crown is not more than 80 000 000; or

"(b) the holdings of quota shares of persons other than the Crown are reduced proportionately and transferred to the Crown under section 50F."

9. Allocation of quota on basis of provisional catch history Section 47(1) of the principal Act is amended by omitting the words "Not less than 20 working days", and substituting the words "Subject to sections 50A to 50G, as soon as practicable".

10. Notification of allocation of quota

Section 48 of the principal Act is amended by adding, as subsection (2), the following subsection:"

"(2) This section is subject to section 50C."

11. New heading and sections 50A to 50G inserted

The principal Act is amended by inserting, after section 50, the following heading and sections:

"Special provisions relating to allocation of quota for certain Fourth Schedule stocks

"50A Notification of allocation of provisional catch history

"(1) This section applies to a stock to which section 35(6) or section 39(2) applies, except South Island freshwater eel.

"(2) As soon as practicable after the chief executive makes the determination referred to in section 35(6) or section 39(2), as the case may be, the chief executive must carry out the steps specified in whichever of the following provisions are applicable:

"(a) section 35(1) to (5) and section 36; or

"(b) section 41.

"(3) In this section, South Island freshwater eel has the meaning given to it by Part 2 of the Fisheries Amendment Act 2000.

"50B Allocation of quota on basis of provisional catch history

"(1) As soon as practicable after the relevant date referred to in section 36(3), or at any time after the relevant date referred to in section 41(2), the chief executive must allocate to every person who is eligible to receive quota for a stock to which section 50A applies an amount of provisional individual transferable quota or individual transferable quota, as the case may be, for the stock.

"(2) The amount of quota allocated to a person under subsection (1)---

"(a) must be expressed as shares; and

"(b) subject to section 43, is the lesser of---

"(i) the number of shares the quota weight equivalent of which is equivalent to the person's provisional catch history for the stock; or

"(ii) the number of shares that bears the same proportion to 100 000 000 shares of quota for the stock as the person's provisional catch history bears to the total provisional catch history held by persons who are eligible to receive quota for the stock.

"(3) If an appeal has been lodged in respect of a person's provisional catch history and that person is eligible to receive quota for that stock, then the quota allocated to that person is provisional individual transferable quota.

"(4) Except as provided in subsection (3), the quota allocated is individual transferable quota.

"(5) On and from the date of allocation of quota under this section, provisional catch history is conclusive and is permanently fixed for all purposes if the provisional catch history is---

"(a) held by a person who is allocated individual transferable quota under subsection (1); and

"(b) registered in that person's name on the date of allocation.

"(6) Quota allocated under this section has effect only for the purposes of sections 50C to 50G.

"50C Notification of allocation of quota

As soon as practicable after making an allocation of quota under section 50B, the chief executive must give every person to whom he or she has allocated quota for the stock a notice in writing stating---

"(a) the matters specified in paragraphs (a) to (d) of section 48; and

"(b) that the person may sell individual transferable quota for the stock to the Crown under section 50D.

"50D Quota holders may offer individual transferable quota to the Crown

"(1) No later than 10 working days after the date of the notice referred to in section 50C, a person who holds individual transferable quota for a stock to which section 50A applies may offer to sell to the chief executive, on behalf of the Crown, any amount of that quota by offering to the chief executive an executed transfer of the quota in the approved form accompanied by the prescribed fee (if any).

"(2) The chief executive may not---

"(a) pay a sum in consideration for the transfer that is equivalent to a rate per quota share that exceeds the rate specified for the species in Schedule 4A; or

"(b) accept the transfer if the unencumbered quota that would be held by the Crown (excluding any quota held as a result of a dispute under section 38) following the transfer would exceed 20 000 000 quota shares in the stock.

"50E Chief executive to determine whether more than 80 000 000 quota shares held by other quota owners

"(1) As soon as practicable after the close of the 10-working day period referred to in section 50D(1), the chief executive must determine whether the number of unencumbered quota shares in the stock that are

held either by persons other than the Crown or by the Crown as a result of a dispute under section 38 is more than 80 000 000.

"(2) If the chief executive determines that the number of unencumbered quota shares that are held either by persons other than the Crown or by the Crown as a result of a dispute under section 38 is not more than 80 000 000, the chief executive must, as soon as practicable, notify each person to whom quota was allocated under section 50B---

"(a) that a determination has been made under this section; and

"(b) of the amount of the person's holding of quota for that stock as at the date on which the notification is given.

"(3) For the purposes of this Act, a notification under subsection (2) must be treated as if it were an allocation of quota under section 47(1)(b).

"50F Crown acquisition of quota where more than 80 000 000 quota shares held by other quota owners

"(1) If the chief executive determines, under section 50E(1), that the number of unencumbered quota shares held either by persons other than the Crown or by the Crown as a result of a dispute under section 38 is more than 80 000 000, he or she must then determine, in accordance with subsection (2), the amount of quota---

"(a) to be transferred from each person to the Crown; and

"(b) by which each person's holding of quota for the stock will be reduced.

"(2) The number of quota shares by which a person's holding of quota must be reduced and which must be transferred to the Crown under subsection (1) is the amount calculated in accordance with the following formula:

$$\frac{(a - 80\,000\,000) \times b}{a}$$

where---

a is the total number of quota shares for the stock held either by persons other than the Crown or by the Crown as a result of a dispute under section 38

b is the number of quota shares for the stock held by the person.

"(3) All quota transferred to the Crown under this section is transferred to the Crown as individual transferable quota, whether the quota was allocated to the person as individual transferable quota or as provisional individual transferable quota.

"(4) As soon as practicable after a person's holding of quota is reduced under this section, the chief executive must notify the person of---

"(a) the amount of the reduction; and

"(b) the amount of the person's holding of quota for that stock following the reduction.

"(5) For the purposes of this Act, the notification under subsection (4)(b) must be treated as if it were an allocation of quota under section 47(1)(b).

"50G Compensation for reduction of quota

"(1) Every person whose holding of quota for a stock is reduced under section 50F is entitled to compensation from the Crown at the rate per quota share specified for the species in Schedule 4A.

"(2) The Crown is not liable to pay to any person whose holding of quota is reduced under section 50F any compensation in respect of that reduction other than the compensation provided for in subsection (1).

"(3) Compensation payable to a person under subsection (1) must be paid from the Crown Bank Account without further appropriation than this section."

12. Calculation of entitlement to quota following appeal

(1) Section 53(2) of the principal Act is amended by omitting the words "of this section", and substituting the words "or subsection (3), as the case may be,".

(2) Section 53 of the principal Act is amended by adding the following subsection:

"(3) Despite subsection (1), every person who is entitled to receive a transfer of individual transferable quota under section 52 for a stock listed in the Fourth Schedule must receive an amount of individual transferable quota for the stock concerned that is the lesser of---

"(a) the number of shares the quota weight equivalent of which is equivalent to that person's revised provisional catch history for the stock; or

"(b) the number of shares calculated in accordance with the following formula:

$$\frac{a \times 80\,000\,000}{b - (c \div e)}$$

where---

a is the person's revised provisional catch history

b is the total revised provisional catch history held by persons eligible to receive quota for the stock

c is the total number of quota shares transferred by quota holders to the Crown under section 50D

d is the total provisional catch history held at the time of the allocations under section 50B by persons who were eligible to receive quota for the stock at that time

e is the lesser of---

(i) d:

(ii) the total allowable commercial catch at the time of the allocations under section 50B."

13. Transitional offences and penalties

Section 361(1) of the principal Act is amended---

(a) by inserting, after the expression "section 121(3)" where it first appears, the words "or any provision of Part XII":

(b) by inserting in paragraph (a), before the words "of this Act", the words "or of Part XII".

14 Allocation of quota

(1) Section 363(1) of the principal Act is amended by inserting, after the expression "49," the expression "50A to 50G,".

(2) Section 363(2) of the principal Act is amended by inserting, after paragraph (f), the following paragraph:

"(fa) the reference in section 44(3)(a) to 80 000 000 quota shares must be read as a reference to an amount of quota equivalent to 80% of the total allowable commercial catch:".

(3) Section 363(2) of the principal Act is amended by adding the following paragraphs:

"(j) section 50B(2)(b)(i) must be read as if the words "the number of shares the quota weight equivalent of" were omitted, and there were substituted the words "an amount of quota":

"(k) the reference in section 50B(2)(b)(ii) to 100 000 000 quota shares must be read as a reference to an amount of quota equivalent to 100% of the total allowable commercial catch:

"(l) the reference in section 50D(2)(a) to a rate per quota share must be read as a reference to a rate per tonne:

"(m) the reference in section 50D(2)(b) to 20 000 000 quota shares must be read as a reference to an amount of quota equivalent to 20% of the total allowable commercial catch:

"(n) the references in sections 50E and 50F(1) to 80 000 000 quota shares must be read as references to an amount of quota equivalent to 80% of the total allowable commercial catch:

"(o) the reference in section 50F(2) to 80 000 000 must be read as a reference to the number of tonnes that is 80% of the total allowable commercial catch:

"(p) the reference in section 50G to the rate per quota share must be read as a reference to the rate per tonne:

"(q) section 53(3)(a) must be read as if the words "the number of shares the quota weight equivalent of" were omitted, and there were substituted the words "an amount of quota":

"(r) the reference in section 53(3)(b) to 80 000 000 must be read as a reference to the number of tonnes that is 80% of the current total allowable commercial catch:

"(s) the reference in paragraph (a) of the definition of encumbered in section 2(1)---

"(i) to forfeiture under this Act must be read as if it were a reference to forfeiture under section 107B of the Fisheries Act 1983:

"(ii) to the period of 35 working days referred to in section 62(3) or section 256(3) of this Act must be read as a reference to the 30-day period referred to in section 107C of the Fisheries Act 1983."

15. Further provisions relating to allocation of quota Section 364 of the principal Act is amended by adding the following subsections:"

"(5) If the holder of any individual transferable quota that is subject to a reduction under section 52 has leased that quota to any person,---

"(a) the right to take fish conferred on that person by that quota is reduced proportionately to the reduction in the quota of the holder of the quota; and

"(b) any right to take fish conferred on any person under any sublease of the quota is reduced proportionately to the reduction in the quota of the person granting the sublease.

"(6) If the holder of any quota that is reduced under section 52 has entered into any lease or any other arrangement in relation to quota, and that lease or other arrangement provides that any other person is or may become entitled to acquire any amount of quota outright, the amount of quota to which that entitlement relates is reduced proportionately to the reduction in the quota of the holder of the quota.

"(7) The provisions of section 28OD(6), (7), and (8) of the Fisheries Act 1983 apply as if the quota reduction referred to in subsections (5) and (6) were a reduction of a total allowable commercial catch under section 28OB or section 28OC of that Act."

16. New sections 369I to 369M inserted

The principal Act is amended by inserting, after section 369H, the following sections:

"369I South Island freshwater eel subject to quota management system

"(1) On 1 October 2000, freshwater eel in quota management areas ANG11 to ANG16 becomes subject to the quota management system under Part IIA of the Fisheries Act 1983.

"(2) Quota for freshwater eel in those quota management areas must be allocated in accordance with Part 2 of the Fisheries Amendment Act 2000.

"(3) Subject to Part 2 of the Fisheries Amendment Act 2000, Part IV of this Act (except sections 30 to 55) applies to freshwater eel in those quota management areas as if that stock were declared to be subject to the quota management system by notice in the Gazette under section 18.

"(4) The fishing year for freshwater eel in those quota management areas is the year commencing on 1 October and ending with 30 September.

"(5) The total allowable commercial catch and annual catch entitlements for freshwater eel in those quota management areas are to be expressed in greenweight.

"369J Transitional provision relating to increase of total allowable catch for freshwater eel

"(1) If the Minister increases the total allowable catch for freshwater eel under section 13(7), the Minister must state, in the notice published under that section, the proportion of the increase that is to be an increase in the total allowable commercial catch for freshwater eel.

"(2) An increase in the total allowable commercial catch for freshwater eel under subsection (1) is an increase in the total allowable commercial catch for that stock for the purposes of section 28OE of the Fisheries Act 1983.

"(3) Where, following an increase under section 13(7), the total allowable catch for freshwater eel reverts to the total allowable catch that applied at the beginning of the fishing year under section 13(8),---

"(a) the total allowable commercial catch must be decreased, with effect from the first day of the next fishing year, by the amount by which it was increased as stated by the Minister under subsection (1); and

"(b) that decrease is a decrease in the total allowable commercial catch for that stock for the purposes of section 28OD of the Fisheries Act 1983.

"(4) Despite subsection (3), if, following an increase under section 13(7) that occurs in the fishing year immediately preceding the fishing year in which Part VIII is brought into force, the total allowable catch for freshwater eel reverts to the total allowable catch that applied at the beginning of the fishing year under section 13(8),---

"(a) the total allowable commercial catch must be decreased, with effect from the first day of the next fishing year, by the amount by which it was increased as stated by the Minister under subsection (1); and

"(b) that decrease is a decrease in the total allowable commercial catch under section 20.

"369K Expiry of section 369J

Section 369J expires on the repeal of Part IIA of the Fisheries Act 1983.

"369L Change to fishing year for ANG13

"(1) Despite section 369I(4), the Governor-General may, by Order in Council, specify a period of 12 months commencing on each 1 February to be the fishing year for freshwater eel in quota management area ANG13.

"(2) No order under subsection (1) may---

"(a) provide for the proposed new fishing year to start before 1 February 2002; or

"(b) be made during the period of 4 months immediately preceding the start of the proposed new fishing year.

"(3) Without limiting the generality of section 297, the Governor-General may, by Order in Council, make regulations under that section prescribing transitional provisions relating to the change in fishing year under subsection (1), which may be in addition to or in place of any of the provisions of Part IV or Part VIII; and, without limiting the generality of the preceding power, the regulations may---

"(a) specify matters to be notified to quota owners in quota management area ANG13:

"(b) set out rules relating to the generation and allocation of annual catch entitlement to quota owners:

"(c) set out rules relating to the conversion of provisional individual transferable quota to individual transferable quota:

"(d) set out rules by which catch may be counted against annual catch entitlement:

"(e) specify reporting obligations of commercial fishers:

"(f) set out functions, duties, and powers of the chief executive in relation to the application of the regulations:

"(g) provide for other matters necessary to manage the transitional period between fishing years.

"369M Expiry of section 369L(3)

Section 369L(3) expires with the close of 31 January 2007."

17. Amendments to schedules

(1) Part III of the First Schedule of the principal Act is amended by inserting, before the items relating to spiny rock lobster (CRA) management areas, the items set out in Schedule 1 of this Act.

(2) The Second Schedule of the principal Act is amended by inserting, after the item relating to flatfishes, the following item:

Freshwater eel ANG11 to ANG16.

(3) The Third Schedule of the principal Act is amended by inserting, before the item relating to southern scallops, the following item:

Freshwater eel ANG11 to ANG16.

(4) The principal Act is amended by inserting, after the Fourth Schedule, the Schedule 4A set out in Schedule 2 of this Act.

(5) The Eighth Schedule of the principal Act is amended by inserting, before the item relating to CRA1, the items set out in Schedule 3 of this Act.

18. Enactments revoked

(The following enactments are revoked:a) The Fisheries (Lake Ellesmere Eel Quota) Regulations 1997 (SR 1997/355):

(b) The Fisheries (Lake Ellesmere Eel Quota Allocation) Notice 1997 (SR 1997/374).

Part 2 Allocation of quota for South Island freshwater eel

19 Fisheries Act 1996 called principal Act in this Part

In this Part, the Fisheries Act 1996 is called "the principal Act".

20. Purpose of this Part

The purpose of this Part is---

(a) to define quota management areas and allocate provisional catch history for freshwater eel in the South Island:

(b) to provide for the allocation of quota for freshwater eel in the South Island under Part IV of the principal Act.

21. Interpretation

For the purposes of this Part,---

provisional catch history, in relation to South Island freshwater eel, means the provisional catch history specified in Schedule 4

South Island freshwater eel means freshwater eel in quota management areas ANG11 to ANG16.

22. Allocation of provisional catch history

(1) Each person named in column 1 of Part 1 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG11.

(2) Each person named in column 1 of Part 2 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG12.

(3) Each person named in column 1 of Part 3 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG13.

(4) Each person named in column 1 of Part 4 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG14.

(5) Each person named in column 1 of Part 5 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG15.

(6) Each person named in column 1 of Part 6 of Schedule 4 is allocated the amount of provisional catch history for freshwater eel set out in column 3 of that schedule opposite that person's name, and those allocations apply to freshwater eel in quota management area ANG16.

23. Notification of fishers allocated provisional catch history

(1) As soon as practicable after the date on which this Act comes into force, the chief executive must notify every person named in Schedule 4 of---

(a) the amount of provisional catch history allocated to the person under section 22 for each of the quota management areas ANG11 to ANG16; and

(b) the person's right to appeal under section 51(1) of the principal Act (as read in accordance with section 27(3)); and

(c) the requirement that any appeal to the Catch History Review Committee must be lodged not later than the date specified for that purpose in the notification.

(2) The date referred to in subsection (1)(c) and specified in the notification must be not less than 20 working days after the date of the notification.

24. Public notification of provisional catch history allocation

(1) As soon as practicable after the date on which this Act comes into force, the chief executive must publicly notify---

(a) that provisional catch history for South Island freshwater eel has been allocated under section 22; and

(b) that a person may appeal to the Catch History Review Committee under section 51(1) of the principal Act (as read in accordance with section 27(3)) if the person---

(i) has not been allocated provisional catch history for South Island freshwater eel; and

(ii) believes that he or she is or will be entitled to receive provisional catch history on the grounds specified in that section or is entitled to receive quota for South Island freshwater eel; and

(c) that the appeal must be lodged no later than the date specified for that purpose in the notification.

(2) The date referred to in subsection (1)(c) and specified in the notification must be not less than 20 working days after the date of the notification.

25. Criteria of eligibility to receive quota

(1) A person is eligible to receive quota for South Island freshwater eel---

(a) if the person is allocated provisional catch history under section 22; or

(b) if the person---

(i) is the holder of a fishing permit on the date on which this Act comes into force; and

(ii) has been allocated provisional catch history for South Island freshwater eel following a decision of the Catch History Review Committee; and

(iii) is not an overseas person or, if an overseas person, is exempt under section 56 of the principal Act or has been granted permission to hold provisional catch history or quota under section 57 of the principal Act.

(2) If a person is allocated provisional catch history under section 22 but dies before the chief executive has allocated quota for South Island freshwater eel under section 26, the deceased's estate must be treated as the holder of the provisional catch history for the purposes of this Act.

(3) Subsection (1) is subject to subsection (2).

26. Chief executive to allocate quota

(1) The chief executive must allocate quota for South Island freshwater eel under section 50B of the principal Act.

(2) For the purposes of subsection (1),---

(a) South Island freshwater eel is a stock to which section 50A of the principal Act applies:

(b) the reference in section 47(1) of the principal Act to the relevant date referred to in section 36(3) of that Act must be read as a reference to the date specified in the notification referred to in section 23(1)(c).

27. Application of certain provisions in Part IV of principal Act to South Island freshwater eel

(1) Sections 42 to 44, 46 to 49, 50B to 50G, 51 to 53, 54(1)(a), (2), and (3), 55, and 283 to 294 of the principal Act apply to the allocation of individual transferable quota for South Island freshwater eel.

(2) For the purposes of subsection (1), South Island freshwater eel is a stock to which section 50A of the principal Act applies.

(3) For the purposes of subsection (1), section 51 of the principal Act must be read as if, for subsection (1), there were substituted the following subsection:

"(1) Any person, including the chief executive, may, subject to subsection (3) and on or before the date specified in the notification referred to in section 23(1)(c), appeal to the Catch History Review Committee against the allocation of provisional catch history under section 22 on the ground that the information used to calculate the provisional catch history---

"(a) was incorrectly recorded by the chief executive; or

"(b) excluded freshwater eel that were lawfully taken and lawfully reported in eligible returns from the person's eligible catch during the period commencing with 1 October 1990 and ending with 30 September 1992."

(4) For the purposes of this section, eligible catch has the meaning given to it by section 34(2) of the principal Act, as if---

(a) the provisional catch history for South Island freshwater eel allocated under section 22 were calculated in a manner consistent with section 34(1)(c) of the principal Act; and

(b) the applicable qualifying years were the period commencing with 1 October 1990 and ending with 30 September 1992.

28. Catch History Review Committee may alter provisional catch history allocation

(1) The Catch History Review Committee may---

(a) alter the amount of provisional catch history for South Island freshwater eel allocated to a person under section 22; or

(b) decide that a person who is not allocated provisional catch history under that section is eligible to receive provisional catch history for South Island freshwater eel.

(2) This section applies as if---

(a) South Island freshwater eel were a stock declared by notice in the Gazette under section 18 of the principal Act to be subject to the principal Act; and

(b) provisional catch history for South Island freshwater eel were allocated under Part IV of the principal Act.

(3) This section is for the avoidance of doubt.

Part 3 Amendment to Fisheries Act 1983

29 Fisheries Act 1983 called principal Act in this Part

In this Part, the Fisheries Act 1983 is called "the principal Act".

30. Taking of fish in excess of quota, and carrying forward of unused quota Section 28V(11) of the principal Act is amended by inserting, before the word "eels", the word "freshwater".

31. Repeal of section 28Z

(1) Section 28Z of the principal Act (which relates to overseas ownership of quota) is repealed.

(2) Section 333A of Fisheries Act 1996 is consequentially amended---

(a) by omitting from subsection (1) the words "are not prevented from owning quota under section 28Z of the Fisheries Act 1983", and substituting the words "would not be prevented from owning quota under section 28Z of the Fisheries Act 1983 if that section were still in force":

(b) by omitting from subsection (5) the word "continues", and substituting the words "is deemed to continue".

(3) Section 363(2)(b) of the Fisheries Act 1996 is consequentially repealed.

Part 4 Transitional provisions

32 Fisheries (Transitional Provisions) Regulations 1998

(1) Regulation 6 of the Fisheries (Transitional Provisions) Regulations 1998 (which relates to the application of sections 28E to 28NA of the Fisheries Act 1983 to provisional individual transferable quota allocated under the Fisheries Act 1996) is revoked.

(2) If any proceedings have been commenced before 28 June 2000, nothing in subsection (1) affects the rights of any person under any judgment of a court given in those proceedings or any judgment given on appeal from that judgment.

Schedule 1 s 17(1)

Descriptions of new quota management areas inserted

Freshwater eel (ANG) management areas

Quota management area ANG11---Nelson/Marlborough

All New Zealand fisheries waters enclosed by a line---

- (1) commencing at the mean high-water mark at Kahurangi Point, being a point at 40°46.6'&min;S and 172°13.0'&min;E; then
- (2) proceeding in a generally south-easterly direction along the summit of Saxon Ridge, Mackay Downs, Goulard Downs, Tubman Range, and Goulard Range to Mt Goulard; then
- (3) proceeding in a generally south-easterly direction along the summit of Goulard Range, Domett Range, traversing the Aorere Saddle, and continuing along the Domett Range to Aorere Peak; then
- (4) proceeding in a generally south-easterly direction along the summit of Peel Range and Pyramid Ridge to Mt Arthur; then
- (5) proceeding in a generally south-westerly direction along the summit of Arthur Range to Kiwi Saddle; then
- (6) proceeding in a generally south-westerly direction along the watershed of the Wangapeka River and its tributaries, passing through Mt Luna and traversing the Wangapeka Saddle, and proceeding along the summit of the Matiri Range to Nugget Knob; then
- (7) proceeding in a generally south-easterly direction along the watershed of the Wangapeka River and its tributaries, the Rolling River and its tributaries, passing through Replica Hill and Sentinel Hill, to a point on the summit of Lookout Range; then
- (8) proceeding in a generally south-easterly direction along the watershed of the Dart River to a point on the Hope Range, being the starting point of the watershed between the Tadmor and Hope Rivers; then
- (9) proceeding in a generally south-easterly direction along the watershed between the Tadmor and Hope Rivers and their tributaries, traversing the Tadmor Saddle, and continuing along the watershed to the Hope Saddle; then
- (10) proceeding in a generally south-easterly direction along the watershed between the Rainy and Buller Rivers and their tributaries to a point on the watershed at 41°46.4'&min;S and 172°49.2'&min;E; then
- (11) proceeding south by right line to the source of the Buller River from Lake Rotoiti; then
- (12) proceeding in a generally southerly direction along the watershed of Lake Rotoiti and its tributaries to Mt Robert; then
- (13) proceeding in a generally south-westerly direction along the summit of Robert Ridge to the point on that ridge at 41°53.9'&min;S and 172°43.9'&min;E; then
- (14) proceeding in a generally north-westerly direction along the watershed of Lake Rotoroa and its tributaries, also being the summit of Muntz Range, to Trig H; then
- (15) proceeding south-west by right line to the source of the Gowan River from Lake Rotoroa, and proceeding again south by right line to Mt Pickering; then
- (16) proceeding in a generally southerly direction along the summit of the Braeburn Range, traversing the Tiraumea Saddle, Mole Saddle, and along the summit of Ella Range to Mt Dorothy; then
- (17) proceeding in a generally south-easterly direction along the summit of the ridge traversing David Saddle to the point on the summit of the Spenser Mountains at 42°08.8'&min;S and 172°37.3'&min;E; then
- (18) proceeding in a generally north-easterly direction along the summit of the Spenser Mountains, traversing Thompson Pass and Waiau Pass, to Belvedere Peak; then
- (19) proceeding in a generally easterly direction along the summit of the Crimea Range, traversing Island Saddle and Island Pass, along the summit of Balaclava Ridge and the watershed of the Wairau River and its tributaries to Trig F; then
- (20) proceeding in a generally north-easterly direction along the watershed of the Wairau River and its tributaries, the summit of Raglan Range, the watersheds of the Branch and Leatham Rivers and their tributaries, traversing the Severn Saddle, to Saxton Saddle; then
- (21) proceeding in a generally north-easterly direction along the watersheds of the Leatham and Waihopai Rivers and their tributaries, traversing Acheron Saddle, and passing through Blue Mountain and The Pinnacles to Pudding Hill; then

- (22) proceeding in a generally north-easterly direction along the watershed of the Avon River and its tributaries, traversing Avon Saddle, and passing through Mt Abrupt, Mt Hall, and Glenlee North to Ferny Gair; then
- (23) proceeding in a generally north-easterly direction along the watersheds of the Avon and Omaka Rivers and their tributaries, passing through Mt Horrible, Mt Harkness, Blairich, and Newport Knob to Blairich Pass; then
- (24) proceeding in a generally north-easterly direction along the watershed of the Taylor River and its tributaries, passing through Little Ned and traversing Taylor Pass, and passing through Dumgree to Maxwell Pass; then
- (25) proceeding in a generally north-easterly direction along the watersheds of Upper Lagoon and Big Lagoon and their tributaries, traversing Dashwood Pass and Redwood Pass, and passing through Jamies Knob to the mean high-water mark at Whites Bluff, being a point at $41^{\circ}33.5'\text{S}$ and $174^{\circ}08.9'\text{E}$; then
- (26) proceeding north-east by right line to a point at $41^{\circ}26.0'\text{S}$ and $174^{\circ}23.0'\text{E}$; then
- (27) proceeding north-east by right line to a point at $41^{\circ}13.0'\text{S}$ and $174^{\circ}31.0'\text{E}$; then
- (28) proceeding north-east by right line to a point at $40^{\circ}42.0'\text{S}$ and $174^{\circ}40.0'\text{E}$; then
- (29) proceeding north-west by right line to a point at $40^{\circ}02.0'\text{S}$ and $173^{\circ}00.0'\text{E}$; then
- (30) proceeding north-west by right line to a point at $38^{\circ}09.0'\text{S}$ and $169^{\circ}32.0'\text{E}$; then
- (31) proceeding south-east by right line to the point of commencement at Kahurangi Point.

Quota management area ANG12---North Canterbury All New Zealand fisheries waters enclosed by a line---

- (1) commencing at a point on the mean high-water mark in line with the north-east boundary of Section 6 Buckley Settlement (SO 5504), being a point at $43^{\circ}58.2'\text{S}$ and $172^{\circ}00.3'\text{E}$; then
- (2) proceeding by right lines to the eastern-most points of RS 38559 SO 9323 and Lot 3 DP 19564, the northern-most point of Lot 1 DP 27460, the western-most point of RS 5041 SO 9407, the northern-most point of Section 1 SO 7412, the eastern-most point of Section 3C Grange Settlement (SO 6657), the southern-most point of Lot 1 DP 6984, the northern-most points of RS 41562 SO 15810 and RS 38090 SO 9115, and to a point being the eastern-most point on the eastern boundary of RS 42160 SO 16641 (all being plans in Canterbury Land District); then
- (3) proceeding in a generally northerly direction along the watershed between the Rakaia River and Pudding Hill Stream and their tributaries to Mt Hutt; then
- (4) proceeding in a generally northerly direction along the summit of Mount Hutt Range to Steepface Hill; then
- (5) proceeding in a generally westerly direction along the watershed between the Swift River and Redcliffe Stream and their tributaries, traversing Redcliffe Saddle to Shingle Hill; then
- (6) proceeding in a generally westerly direction along the watershed between Middle Creek and Cascade Glen and their tributaries to a point on the summit of Black Hill Range; then
- (7) proceeding in a generally northerly direction along the summit of Black Hill Range to Donald Hill; then
- (8) proceeding in a generally south-westerly direction along the watershed of the North Branch Ashburton River and its tributaries, traversing Turtons Saddle, passing through Godley Peak to Mt Catherine; then
- (9) proceeding south-west by right line to the source of the Lake Stream from Lake Heron, and proceeding again south-west by right line to Pyramid; then
- (10) proceeding in a generally north-easterly direction along the summit of Wild Mans Brother Range to Mt Arrowsmith; then
- (11) proceeding in a generally northerly direction along the summit of Arrowsmith Range to North Peak; then
- (12) proceeding in a generally south-westerly direction along the summit of Jollie Range to Outlaw Peak; then
- (13) proceeding in a generally westerly direction along the summit of the ridge traversing Crossbow Saddle to Amazon Peak; then
- (14) proceeding in a generally north-westerly direction along the watershed of the McCoy Stream and its tributaries, passing through Mt Goethe to Mt Nicholson; then
- (15) proceeding in a generally northerly direction along the summit of the ridge traversing Rangitata Col to a point on the summit of Main Divide of the Southern Alps, being a point at $43^{\circ}18.4'\text{S}$ and $170^{\circ}48.3'\text{E}$; then

- (16) proceeding in a generally north-easterly direction along the summit of Main Divide of the Southern Alps passing through Mt Westland, Mt Whitcombe, Mt Warner, Mt Bryce, Mt Marion, and Mt Rolleston to Arthur's Pass; then
 - (17) proceeding in a generally north-easterly direction along the summit of Main Divide of the Southern Alps, traversing Worsley Pass, Harper Pass, Hope Pass, and Amuri Pass to Lucretia; then
 - (18) proceeding in a generally north-easterly direction along the watershed of the Maruia River and its tributaries, traversing Lewis Pass, passing through Trovatore, and traversing Henry Saddle to Zampa; then
 - (19) proceeding in a generally north-easterly direction along the summit of the Spenser Mountains, traversing Ada Pass to a point on the summit of the Spenser Mountains, being a point at 42°08.8'&min;S and 172°37.3'&min;E; then
 - (20) proceeding in a generally north-easterly direction along the summit of the Spenser Mountains, traversing Thompson Pass and Waiau Pass to Belvedere Peak; then
 - (21) proceeding in a generally easterly direction along the summit of the Crimea Range, traversing Island Saddle and Island Pass, along the summit of Balaclava Ridge and the watershed of the Wairau River and its tributaries to Trig F; then
 - (22) proceeding in a generally north-easterly direction along the watershed of the Wairau River and its tributaries, the summit of Raglan Range, the watersheds of the Branch and Leatham Rivers and their tributaries, traversing the Severn Saddle to Saxton Saddle; then
 - (23) proceeding in a generally north-easterly direction along the watersheds of the Leatham and Waihopai Rivers and their tributaries, traversing Acheron Saddle and passing through Blue Mountain and The Pinnacles to Pudding Hill; then
 - (24) proceeding in a generally north-easterly direction along the watershed of the Avon River and its tributaries, traversing Avon Saddle, and passing through Mt Abrupt, Mt Hall, and Glenlee North to Ferny Gair; then
 - (25) proceeding in a generally north-easterly direction along the watersheds of the Avon River and Omaka River and their tributaries, passing through Mt Horrible, Mt Harkness, Blairich, and Newport Knob to Blairich Pass; then
 - (26) proceeding in a generally north-easterly direction along the watershed of Taylor River and its tributaries, passing through Little Ned and traversing Taylor Pass, and passing through Dumgree to Maxwell Pass; then
 - (27) proceeding in a generally north-easterly direction along the watersheds of Upper Lagoon and Big Lagoon and their tributaries, traversing Dashwood Pass and Redwood Pass, and passing through Jamies Knob to the mean high-water mark at Whites Bluff, being a point at 41°33.5'&min;S and 174°08.9'&min;E; then
 - (28) proceeding south-east by right line to a point at 42°10.0'&min;S and 174°42.0'&min;E; then
 - (29) proceeding east by right line to a point at 42°10.0'&min;S and 176°00.0'&min;E; then
 - (30) proceeding south by right line to a point at 46°00.0'&min;S and 176°00.0'&min;E; then
 - (31) proceeding north-west by right line to the point of commencement.
- This Quota Management Area does not include the area contained within Quota Management Area ANG13.

Quota management area ANG13---Lake Ellesmere

All New Zealand fisheries waters enclosed by a line---

- (1) commencing at a point on the mean high-water mark in line with the north-east boundary of Lot 2 DP 74178, being a point at 43°53.3'&min;S and 172°15.1'&min;E; then
- (2) proceeding by right lines to the eastern-most points of Lot 2 DP 74178, Lot 1 DP 19592, RS 10368 SO 368, and Lot 1 DP 13507, the northern-most point of RS 33633 SO 2648, the southern-most points of Lot 3 DP 66187, RS 33577 SO 2871, and Lot 1 DP 68557, the eastern-most points of Section 20 Block IX Selwyn Survey District (SO 1508), Lot 2 DP 59218, Lot 4 DP 60698, Lot 1 DP 17908, and RS 36763 SO 5324, the northern-most points of Lot 3 DP 3588 and Lot 1 DP 60996 (all being plans in Canterbury Land District); then
- (3) proceeding in a generally northerly direction along the summit of Rockwood Range until its intersection with the watershed between the Selwyn River and Boundary Stream and their tributaries; then
- (4) proceeding in a generally north-westerly direction along the watershed between the Selwyn and Rakaia Rivers and their tributaries, passing through Haycock to Big Ben; then
- (5) proceeding in a generally north-easterly direction along the watershed of the Selwyn River and its tributaries, also being the summit of Big Ben Range and Russell Range, to Trig H; then

- (6) proceeding in a generally north-easterly direction along the summit of Russell Range to Trig F No 2; then
- (7) proceeding in a generally north-easterly direction along the watershed of the Hawkins River and its tributaries to Trig E; then
- (8) proceeding by right lines to the southern-most point of Lot 1 DP 23878, the northern-most point of Lot 83 DP 15, the eastern-most point of Section 1 Darfield Village Settlement (SO 1209), and the northern-most point of Lot 1 DP 9497 (all being plans in the Canterbury Land District); then
- (9) proceeding east by right line to Trig U and then Trig Y, both situated near Westmorland; then
- (10) proceeding in a generally south-easterly direction along the summit of the ridge to Marleys Hill; then
- (11) proceeding in a generally south-easterly direction along the watershed of Lyttelton Harbour and its tributaries, passing through Cass Peak, Coopers Knob, traversing Gebbies Pass and McQueens Pass, passing through Remarkable Dykes, Mt Bradley, and Mt Herbert, to Trig ZZ; then
- (12) proceeding in a generally southerly direction along the watersheds of the Kaituna River, Prices Stream, and Waikoko Stream and their tributaries, passing through Trig QQ, Trig SS, and High Bare Peak to Trig D; then
- (13) proceeding by right line to the eastern-most point of Lot 1 DP 19343; then
- (14) proceeding by right line to a point on the mean high-water mark in line with the eastern boundary of Lot 1 DP 19343, being a point at $43^{\circ}49.7\text{'}\text{S}$ and $172^{\circ}42.5\text{'}\text{E}$; then
- (15) proceeding in a generally south-westerly direction along the mean high-water mark to the point of commencement.

Quota management area ANG14---South Canterbury/Waitaki

All New Zealand fisheries waters enclosed by a line---

- (1) commencing at a point on the mean high-water mark in line with the north-east boundary of Section 6 Buckley Settlement (SO 5504), being a point at $43^{\circ}58.2\text{'}\text{S}$ and $172^{\circ}00.3\text{'}\text{E}$; then
- (2) proceeding by right lines to the eastern-most points of RS 38559 SO 9323 and Lot 3 DP 19564, the northern-most point of Lot 1 DP 27460, the western-most point RS 5041 SO 9407, the northern-most point of Section 1 SO 7412, the eastern-most point of Section 3C Grange Settlement (SO 6657), the southern-most point of Lot 1 DP 6984, the northern-most points of RS 41562 SO 15810 and RS 38090 SO 9115, and to a point being the eastern-most point on the eastern boundary of RS 42160 SO 16641 (all being plans in the Canterbury Land District); then
- (3) proceeding in a generally northerly direction along the watershed between the Rakaia River and Pudding Hill Stream and their tributaries to Mt Hutt; then
- (4) proceeding in a generally northerly direction along the summit of Mount Hutt Range to Steepface Hill; then
- (5) proceeding in a generally westerly direction along the watershed between the Swift River and Redcliffe Stream and their tributaries, traversing Redcliffe Saddle to Shingle Hill; then
- (6) proceeding in a generally westerly direction along the watershed between Middle Creek and Cascade Glen and their tributaries to a point on the summit of Black Hill Range; then
- (7) proceeding in a generally northerly direction along the summit of Black Hill Range to Donald Hill; then
- (8) proceeding in a generally south-westerly direction along the watershed of the North Branch Ashburton River and its tributaries, traversing Turtons Saddle, passing through Godley Peak to Mt Catherine; then
- (9) proceeding south-west by right line to the source of the Lake Stream from Lake Heron, and proceeding again south-west by right line to Pyramid; then
- (10) proceeding in a generally north-easterly direction along the summit of Wild Mans Brother Range to Mt Arrowsmith; then
- (11) proceeding in a generally northerly direction along the summit of Arrowsmith Range to North Peak; then
- (12) proceeding in a generally south-westerly direction along the summit of Jollie Range to Outlaw Peak; then
- (13) proceeding in a generally westerly direction along the summit of the ridge traversing Crossbow Saddle to Amazon Peak; then
- (14) proceeding in a generally north-westerly direction along the watershed of the McCoy Stream and its tributaries, passing through Mt Goethe to Mt Nicholson; then

- (15) proceeding in a generally northerly direction along the summit of the ridge traversing Rangitata Col to a point on the summit of Main Divide of the Southern Alps, being a point at 43°18.4'&min;S and 170°48.3'&min;E; then
- (16) proceeding in a generally south-westerly direction along the summit of Main Divide of the Southern Alps, passing through Mt Tyndall, Mt Edison, McClure Peak, Mt Moffat, Mt Elie De Beaumont, Mt Tasman, Mt Sefton, Mt Hopkins, and Mt Ward to Mt Strauchon; then
- (17) proceeding in a generally southerly direction along the watershed between the Hunter and Huxley Rivers and their tributaries to Mt Huxley; then
- (18) proceeding in a generally southerly direction along the watershed between the Hunter and Ahuriri Rivers and their tributaries, and again along the watershed between the Dingle Burn and Ahuriri Rivers and their tributaries to Mt Martha; then
- (19) proceeding along the watershed of the Ahuriri River and its tributaries, traversing Lindis Pass to Double Peak; then
- (20) proceeding along the watershed between Dip Creek and Longslip Creek and their tributaries to the summit of Dunstan Range; then
- (21) proceeding in a generally north-easterly direction along the summit of Dunstan Range to its junction with Wether Range; then
- (22) proceeding in a generally southerly direction along the summit of Wether Range to its junction with St Bathans Range; then
- (23) proceeding in a generally south-easterly direction along the watershed of the Omarama Stream and its tributaries, traversing Omarama Saddle to the junction of Ewe Range and Hawkdun Range; then
- (24) proceeding in a generally south-easterly direction along the summit of the Hawkdun Range to Mt Ida; then
- (25) proceeding in a generally easterly direction along the summit of Ida Range to Mt Buster; then
- (26) proceeding in a generally south-easterly direction along the watershed of Kye Burn and its tributaries, traversing Danseys Pass to Mt Alexander; then
- (27) proceeding in a generally south-easterly direction along the summit of the Kakanui Mountains to Mt Pishgah; then
- (28) proceeding in a generally north-easterly direction along the summit of Pishgah Spur and the watershed of the Kakanui River and its tributaries to Trig C No 2; then
- (29) proceeding in a generally easterly direction along the northern watershed of Waiareka Creek and its tributaries, passing through Trigs P, D, and Big Hill to Trig 13631; then
- (30) proceeding in a generally south-easterly direction along the northern watersheds of Landon Creek, Spring Gully, and Shepherds Gully and their tributaries to Trig G; then
- (31) proceeding south-east by right line to Trig F and a continuation of this line to a point on the mean high-water mark, being a point at 45°02.8'&min;S and 171°03.0'&min;E; then
- (32) proceeding south-east by right line to a point at 46°00.0'&min;S and 176°00.0'&min;E; then
- (33) proceeding north-west by right line to the point of commencement.

Quota management area ANG15---Otago/Southland

All New Zealand fisheries waters enclosed by a line---

- (1) commencing at the mean high-water mark at St Anne Point, being a point at 44°34.4'&min;S and 167°46.9'&min;E; then
- (2) proceeding in a generally south-easterly direction along the watersheds of Milford Sound and Arthur River and their tributaries, passing through Mt Danger, Twin Sisters, Aiguille Rouge, Mt Balloon, Mt Kepka, Mt Mitchelson, and Mt Gendarme to Mt Moir; then
- (3) proceeding in a generally south-easterly direction along the watershed of the Hollyford River and its tributaries, passing through Mt Charlton and Pyramid Peak and traversing The Divide to Greenstone Saddle; then
- (4) proceeding in a generally northerly direction along the watershed and the summit of Ailsa Mountains, traversing Emily Pass, and along the summit of Serpentine Range to Nereus Peak; then
- (5) proceeding in a generally north-easterly direction along the watershed of the Dart River and its tributaries to Mt Liverpool; then
- (6) proceeding in a generally north-easterly direction along the watershed of the Matukituki River and its tributaries to Popes Nose; then
- (7) proceeding in a generally north-easterly direction along the summit of Main Divide of the Southern Alps, passing through Mt Castor, Mt Alba, Mt Actor, and Lindsay Peak to Haast Pass; then

- (8) proceeding in a generally north-easterly direction along the summit of Main Divide of the Southern Alps, passing through Mt Brewster and Mt Holdsworth to Mt Strauchon; then
- (9) proceeding in a generally southerly direction along the watershed between the Hunter and Huxley Rivers and their tributaries to Mt Huxley; then
- (10) proceeding in a generally southerly direction along the watershed between the Hunter and Ahuriri Rivers and their tributaries, and again along the watershed between the Dingle Burn and Ahuriri River and their tributaries to Mt Martha; then
- (11) proceeding along the watershed of the Ahuriri River and its tributaries, traversing Lindis Pass to Double Peak; then
- (12) proceeding along the watershed between Dip Creek and Longslip Creek and their tributaries to the summit of Dunstan Range; then
- (13) proceeding in a generally north-easterly direction along the summit of Dunstan Range to its junction with Wether Range; then
- (14) proceeding in a generally southerly direction along the summit of Wether Range to its junction with St Bathans Range; then
- (15) proceeding in a generally south-easterly direction along the watershed of the Omarama Stream and its tributaries, traversing Omarama Saddle to the junction of Ewe Range and Hawkdun Range; then
- (16) proceeding in a generally south-easterly direction along the summit of the Hawkdun Range to Mt Ida; then
- (17) proceeding in a generally easterly direction along the summit of Ida Range to Mt Buster; then
- (18) proceeding in a generally south-easterly direction along the watershed of Kye Burn and its tributaries, traversing Danseys Pass to Mt Alexander; then
- (19) proceeding in a generally south-easterly direction along the summit of the Kakanui Mountains to Mt Pisgah; then
- (20) proceeding in a generally north-easterly direction along the summit of Pisgah Spur and the watershed of the Kakanui River and its tributaries to Trig C No 2; then
- (21) proceeding in a generally easterly direction along the northern watershed of Waiareka Creek and its tributaries and passing through Trigs P, D, and Big Hill to Trig 13631; then
- (22) proceeding in a generally south-easterly direction along the northern watersheds of Landon Creek, Spring Gully, and Shepherds Gully and their tributaries to Trig G; then
- (23) proceeding south-east by right line to Trig F and a continuation of this line to a point on the mean high-water mark, being a point at $45^{\circ}02.8'\text{S}$ and $171^{\circ}03.0'\text{E}$; then
- (24) proceeding south-east by right line to a point at $46^{\circ}00.0'\text{S}$ and $176^{\circ}00.0'\text{E}$; then
- (25) proceeding south-west by right line to a point at $48^{\circ}19.0'\text{S}$ and $170^{\circ}31.0'\text{E}$; then
- (26) proceeding south-west by right line to a point at $49^{\circ}00.0'\text{S}$ and $169^{\circ}00.0'\text{E}$; then
- (27) proceeding due west by right line to a point at $49^{\circ}00.0'\text{S}$ and $161^{\circ}26.2'\text{E}$; then
- (28) proceeding in a generally northerly direction following the western boundary of the exclusive economic zone of New Zealand to $44^{\circ}15.6'\text{S}$ and $162^{\circ}12.9'\text{E}$; then
- (29) proceeding by right line to the point of commencement at St Anne Point.

Quota management area ANG16---West Coast

All New Zealand fisheries waters enclosed by a line---

- (1) commencing at the mean high-water mark at Kahurangi Point at $40^{\circ}46.6'\text{S}$ and $172^{\circ}13.0'\text{E}$; then
- (2) proceeding in a generally south-easterly direction along the summit of Saxon Ridge, Mackay Downs, Goulard Downs, Tubman Range, and Goulard Range to Mt Goulard; then
- (3) proceeding in a generally south-easterly direction along the summit of Goulard Range, Domett Range, traversing the Aorere Saddle and continuing along the Domett Range to Aorere Peak; then
- (4) proceeding in a generally south-easterly direction along the summit of Peel Range and Pyramid Ridge to Mt Arthur; then
- (5) proceeding in a generally south-westerly direction along the summit of Arthur Range to Kiwi Saddle; then
- (6) proceeding in a generally south-westerly direction along the watershed of the Wangapeka River and its tributaries, passing through Mt Luna and traversing the Wangapeka Saddle, and along the summit of the Matiri Range to Nugget Knob; then
- (7) proceeding in a generally south-easterly direction along the watershed of the Wangapeka River and its tributaries, the Rolling River and its tributaries, passing through Replica Hill and Sentinel Hill to a point on the summit of Lookout Range; then

- (8) proceeding in a generally south-easterly direction along the watershed of the Dart River to a point on the Hope Range, being the starting point of the watershed between the Tadmor and Hope Rivers; then
- (9) proceeding in a generally south-easterly direction along the watershed between the Tadmor and Hope Rivers and their tributaries, traversing the Tadmor Saddle and continuing along the watershed to the Hope Saddle; then
- (10) proceeding in a generally south-easterly direction along the watershed between the Rainy and Buller Rivers and their tributaries to a point on the watershed at $41^{\circ}46.4\text{'S}$ and $172^{\circ}49.2\text{'E}$; then
- (11) proceeding south by right line to the source of the Buller River from Lake Rotoiti; then
- (12) proceeding in a generally southerly direction along the watershed of Lake Rotoiti and its tributaries to Mt Robert; then
- (13) proceeding in a generally south-westerly direction along the summit of Robert Ridge to a point on the ridge at $41^{\circ}53.9\text{'S}$ and $172^{\circ}43.9\text{'E}$; then
- (14) proceeding in a generally north-westerly direction along the watershed of Lake Rotoroa and its tributaries, also being the summit of Muntz Range, to Trig H; then
- (15) proceeding south-west by right line to the source of the Gowan River from Lake Rotoroa, and again south by right line to Mt Pickering; then
- (16) proceeding in a generally southerly direction along the summit of the Braeburn Range, traversing the Tiraumea Saddle and along the summit of Ella Range to Mt Dorothy; then
- (17) proceeding in a generally south-easterly direction along the ridge traversing David Saddle to a point on the summit of the Spenser Mountains, being a point at $42^{\circ}08.8\text{'S}$ and $172^{\circ}37.3\text{'E}$; then
- (18) proceeding in a generally south-westerly direction along the summit of the Spenser Mountains, traversing Ada Pass to Zampa; then
- (19) proceeding in a generally south-westerly direction along the watershed of the Maruia River and its tributaries, traversing Henry Saddle, passing through Trovatore and traversing Lewis Pass to Lucretia; then
- (20) proceeding in a generally south-easterly direction along the summit of Main Divide of the Southern Alps, traversing Amuri Pass, Hope Pass, Harper Pass, and Worsley Pass to Arthur's Pass; then
- (21) proceeding in a generally south-westerly direction along the summit of Main Divide of the Southern Alps, passing through Mt Rolleston, Mt Marion, Mt Bryce, Mt Warner, Mt Whitcombe, and Mt Westland to a point on the summit of Main Divide of the Southern Alps, being a point at $43^{\circ}18.4\text{'S}$ and $170^{\circ}48.3\text{'E}$; then
- (22) proceeding in a generally south-westerly direction along the summit of Main Divide of the Southern Alps, passing through Mt Tyndall, Mt Edison, McClure Peak, Mt Moffat, Mt Elie De Beaumont, Mt Tasman, Mt Sefton, Mt Hopkins, and Mt Ward to Mt Strauchon; then
- (23) proceeding in a generally south-westerly direction along the summit of Main Divide of the Southern Alps, passing through Mt Holdsworth and Mt Brewster to Haast Pass; then
- (24) proceeding in a generally south-westerly direction along the summit of Main Divide of the Southern Alps, passing through Lindsay Peak, Mt Actor, Mt Alba, and Mt Castor to Popes Nose; then
- (25) proceeding in a generally south-westerly direction along the watershed of the Matukituki River and its tributaries to Mt Liverpool; then
- (26) proceeding in a generally south-westerly direction along the watershed of the Dart River and its tributaries to Nereus Peak; then
- (27) proceeding in a generally southerly direction along the summit of Serpentine Range, traversing Emily Pass, and along the summit of Ailsa Mountains and the watershed of the Hollyford River and its tributaries to Greenstone Saddle; then
- (28) proceeding in a generally north-westerly direction along the watershed of the Hollyford River and its tributaries, traversing The Divide and passing through Pyramid and Mt Charlton to Mt Moir; then
- (29) proceeding in a generally north-westerly direction along the watershed of Arthur River and Milford Sound and their tributaries, passing through Mt Gendarme, Mt Mitchelson, Mt Kepka, Mt Balloon, Aiguille Rouge, Twin Sisters, and Mt Danger to the mean high-water mark at St Anne Point, being a point at $44^{\circ}34.4\text{'S}$ and $167^{\circ}46.9\text{'E}$; then
- (30) proceeding west by right line to a point at $44^{\circ}15.6\text{'S}$ and $162^{\circ}12.9\text{'E}$; then
- (31) proceeding in a generally north-easterly direction following the western boundary of the exclusive economic zone of New Zealand to a point at $38^{\circ}09.0\text{'S}$ and $169^{\circ}32.0\text{'E}$; then
- (32) proceeding south-east by right line to the point of commencement at Kahurangi Point.

Schedule 2

New Schedule 4A inserted in principal Act

Schedule 4A
ss 50D(2)(a), 50G(1)

Compensation for certain Fourth Schedule stocks transferred to the Crown

Stock	\$ per tonne (exclusive of GST)	\$ per quota share (exclusive of GST)
Snake Bank cockles	3,000	3.00 x quota weight equivalent
Coromandel scallops	32,000	32.00 x quota weight equivalent
Freshwater eels	8,440	8.44 x quota weight equivalent
Kingfish	5,300	5.30 x quota weight equivalent
Kahawai	780	0.78 x quota weight equivalent
Blue mackerel	580	0.58 x quota weight equivalent
Butterfish	5,500	5.50 x quota weight equivalent
Southern bluefin tuna	17,720	17.72 x quota weight equivalent

Schedule 3

s 17(5)

Minimum annual holdings of annual catch entitlement for
South Island freshwater eel inserted

ANG11	4
ANG12	4
ANG13	4
ANG14	4
ANG15	4
ANG16	4

Schedule 4

ss 21-23

South Island freshwater eel provisional catch history allocations

Part 1

Quota management area ANG11

Legal name	Client number	Provisional catch history allocation (tonnes)
Black, Hamish McPherson	8860041	14.710
Brice, David Vivian	8460263	0.400
Challenger Fishing being Gilbert, Brian Robert	8463409	11.613
Clark Partnership Ltd	8680002	1.856
Gilbert, Brian Robert	8460854	3.557
Marlborough Seafoods Limited	8463353	14.721
Tuna Fishing Partnership being Pacey, James Thomas & Pacey, Noeline Amber	8760274	17.480

Part 2

Quota management area ANG12

Legal name	Client number	Provisional catch history allocation (tonnes)
Arps, Colin Larry	8470074	12.182
Beech, Rex Paul	8490168	3.975
Broad, Terence Leonard	8483373	3.585
Clark Partnership Ltd	8680002	8.604
Estate of Murray William Mackie	8481486	0.134
Gould Aqua Farms being Gould, Trevor James & Gould, Noeline Ellen	8670006	0.193
Lubbers, Theo	8471453	9.881
Marlborough Seafoods Limited	8463353	2.512
Nordstrom, Kenneth John	9470033	0.773
Nordstrom, Robert Bruce	8471798	0.500
Pacey, William Rana	8471848	12.881
Pullan, Garry Martin	8471978	9.581
Smith, Clem George	8472230	0.005
Taylor, Murray John	8472373	1.399
Tuna Fishing Partnership being Pacey, James Thomas & Pacey, Noeline Amber	8760274	4.720

Part 3

Quota management area ANG13

Legal name	Client number	Provisional catch history allocation (tonnes)
Cridge, Stuart Elliot Ken	8470517	11.000
Goode, Roger Howard	8470881	8.000
Gould Aqua Farms being Gould, Trevor James &	8670006	21.000

Gould, Noeline Ellen		
Hamilton, Leonard Charles	8470967	17.000
Nordstrom, Kenneth John	9470033	12.000
Nordstrom, Kenneth John &	9370017	11.500
Nordstrom, Robert Bruce		
Nordstrom, Robert Bruce	8471798	11.000
Pullan, Garry Martin	8471978	10.000
Smith, Clem George	8472230	13.000
Vogel, Mark Lindsay	8472506	9.000

Part 4

Quota management area ANG14

Legal name	Client number	Provisional catch history allocation (tonnes)
Beech, Rex Paul	8490168	4.213
Bowis, Logan James	8470241	0.079
Broad, Terence Leonard	8483373	7.163
Clark Partnership Ltd	8680002	21.166
Estate of Murray William Mackie	8481486	11.612
Goodall, Alan James	8480880	4.349
Gould Aqua Farms being Gould, Trevor James & Gould, Noeline Ellen	8670006	2.955
Langley, Trevor Allan	8481372	0.683
Millar, Basil James	8481670	2.103
Mossburn Enterprises Limited	8491716	6.692
Pacey, William Rana	8471848	2.035
Richardson, David Roy	8492033	1.730
Van Erkel, Cederic Norman	8680017	2.903

Part 5

Quota management area ANG15

Legal name	Client number	Provisional catch history allocation (tonnes)
Aggerholm, Asovale	8490013	1.906
Beech, Rex Paul	8490168	11.111
Bell, Raymond	8480175	0.203
Benjamin, Paul Robert	8680012	6.753
Booth, Neil Gavin	8680014	8.220
Boyle, Gerald Paterick	8680015	0.202
Broad, Terence Leonard	8483373	1.298
Brunton, Kenneth Evan	8493090	7.629
Campbell, Ross Anthony	8490376	31.911
Carr, Barry Francis	8680011	0.817
Carr, Ronald George	8480386	5.180
Clark Partnership Ltd	8680002	0.091
Davis, Clifford James	8680007	0.521
Dawson, April Blanch	8493367	4.387
Dawson, Russell George	8490568	2.537
Dougherty, Russell David	8480622	1.640
Faddes, Russell John Alfred	8680010	3.632
Goodall, Alan James	8480880	5.996

Iremonger, Alexander Charles	8491194	2.181
Langley, Trevor Allan	8481372	6.963
McLeod, Graeme Arthur	8491626	9.724
Mossburn Enterprises Limited	8491716	38.383
Richardson, David Roy	8492033	26.093
Russell, Calvin James	8482098	3.730
Saxon, James Leslie	8482134	1.345
Stratford, Barry John & Stratford, Janice Valerie	8492312	19.059
Swain, Murray John	8493205	14.934
Thompson, Victor Donald	8492420	25.007
Van Erkel, Cederic Norman	8680017	6.359
White, Peter James	8680016	5.517

Part 6
Quota management area ANG16

Legal name	Client number	Provisional catch history allocation (tonnes)
Bailey, Donal James	8462837	4.950
Beck, Arnold Winston	8460163	2.934
Cairns, Douglas Hillary	8460355	0.442
Challenger Fishing being Gilbert, Brian Robert	8463409	4.606
Evans, Alun John	8460692	21.852
Gilbert, Brian Robert	8460854	2.515
Harker, Peter John	8460989	12.675
Jope, Gary Arnold	8461262	1.803
Munro, Daryl Peter	8462827	10.190
Reay, Bruce	8482004	11.596
Thompson, Victor Donald	8492420	14.049
Tuna Fishing Partnership being Pacey, James Thomas & Pacey, Noeline Amber	8760274	5.348
Veale, Peter William	8462496	17.436
Westbay Seafoods Ltd	8461835	4.653

Legislative history

22 June 1999	Introduction, first reading (Bill 304-1)
13 July 1999	Second reading and referral to Primary Production Committee
15 June 2000	Reported from the Primary Production Committee (Bill 304-2)
27 June 2000	Consideration of report, committee of the whole House, third reading.