



OUTER ISLAND (AITUTAKI PAUA) BY-LAWS

T. TANGAROA, Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this 23RD day of DECEMBER 1988.

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to sections 15 and 16(k) of the Outer Islands Local Government Act 1987, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order.

ANALYSIS

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| 1. Title | 4. Council may grant permits |
| 2. Interpretation | 5. Penalty |
| 3. Taking of paua prohibited | |

BY-LAWS

1. Title - These by-laws may be cited as the Outer Island (Aitutaki Paua) By Laws 1988.

2. Interpretation - In these by-laws, unless the context otherwise requires -

"Paua" means giant clam of the species tridacna maxima.

3. Taking of paua prohibited - (1) Subject to these by-laws, every person commits an offence who -

- (a) takes or attempts to take paua from Aitutaki to any other island or place; or
- (b) buys, sells or has in his possession for the purpose of sale any paua, except pursuant to and

in accordance with the provisions of a permit issued pursuant to these by-laws.

4. Council may grant permit - (1) Subject to these by-laws and to the provisions of any Act, the Council may grant to any person a permit subject to such conditions and for such period as the Council thinks fit to take paua from the Aitutaki Lagoon for the purposes of -

- (a) sale to any restaurant or place where meals are sold on Aitutaki;
- (b) consumption at any wedding, funeral, birthday, family re-union, investiture, kave eva, opening of a community or public building, or any other similar function where large numbers of the public are likely to attend;
- (c) export for sale in another island or country provided the proceeds of such sale are utilised in a project in Aitutaki or for the benefit of the residents of Aitutaki (whether such project shall be situated on Aitutaki or on any other island in the Cook Islands).

(2) Without limiting the types of conditions that the Council may impose pursuant to sub-clause (1), a permit issued by the Council may contain conditions prescribing -

- (a) The number of paua which may be taken;
- (b) The size of paua;
- (c) The part of the lagoon from which such paua may be taken;
- (d) The names of the person authorised to take paua;
- (e) The expiry date of any permit.

(3) For the purposes of subclause (1), paua shall be deemed to be sold if it forms part of or is presented as part of a meal for which payment for that meal or any part of that meal is made.

5. Penalty - Every person commits an offence who acts in contravention of these by-laws or in contravention of any permit issued hereunder and shall on conviction be liable in respect of a first offence for a fine not exceeding \$200 and on a second or subsequent offence to a fine not exceeding \$200 or to 3 months imprisonment or to both such fine and imprisonment.

P. Tangata.

Clerk of the Executive Council

These By-Laws are administered by the
Aitutaki Island Council.

BY AUTHORITY: