



Marine Resources (Purse Seine Fishery) Regulations 2013

Sir Frederick Goodwin, KBE

Frederick Goodwin KBE
Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this

26th day of February 2013

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to sections 6 and 92 of the Marine Resources Act 2005, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Marine Resources (Purse Seine Fishery) Regulations 2013

Regulations

- 1 **Title**
These regulations are the Marine Resources (Purse Seine Fishery) Regulations 2013.
- 2 **Commencement**
These regulations come into force on the day after the date on which they are made.
- 3 **Interpretation**
 - (1) In these regulations, unless the context otherwise requires,—
Act means the Marine Resources Act 2005
By-catch species means non-target, dependent or associated species of the target species
Commercial fishing means taking fish for sale, commercial purse seine fishing has the same meaning
Conservation and management measures means measures to conserve and manage one or more species of living marine resources in accordance with the objectives of this Fishery Plan and the provisions of sections 3 and 4 of the Act
Fishery Plan means the Purse Seine Fishery Plan prepared by the Secretary in accordance with section 6 of the Act
Purse seine fishing means fishing using a surrounding net which utilises a purse line at the bottom of the net
Purse seine fishery means commercial fishing using the purse seine fishing method targeting skipjack tuna (*Katsuwonus pelamis*).
Purse seine operators has the same meaning as **operator** as defined in the Act.

Part 1

Designation of Fishery

- 4 **Designation of Purse Seine Fishery**
The Purse Seine Fishery is declared to be a Designated Fishery pursuant to section 6 of the Act.
- 5 **Fishery Plan**
The Fishery Plan prepared by the Secretary in accordance with section 6(2) of the Act comes into effect on the same day that these regulations enter into force.
- 6 **Application of these regulations**
These regulations applies to all commercial purse seine fishing within the fishery waters but does not apply to —
 - (a) exploratory fishing carried out under section 5 of the Act; and
 - (b) fishing beyond the fishery waters.
- 7 **Limits on fishing effort**
 - (1) Fishing by purse seine fishing vessels is limited to 1,250 days per annum in the fishery waters.
 - (2) The Secretary may determine the total levels of purse seine catch in the fishery waters.

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- (3) If the Secretary considers the total level of purse seine catch in the fishery waters exceeds 30,000 metric tonnes in any four consecutive quarterly year period, he or she must review the impact of this level of catch on achievement of the objectives of the Fishery Plan.
- (4) As a result of a determination under sub-clause 3 the Secretary may reduce the total fishing allowance by purse seine fishing, or apply appropriate limits to fishing in the fishery waters, which may include time/area closures.
- (5) The Secretary, with the approval of the Minister, and in consultation with key stakeholders in purse seine fishing, may apply additional limits to purse seine fishing if he or she is of the opinion that it is in the interest of the sustainability or economic viability of the purse seine fishery.

8 Protection of non-target species

- (1) The Cook Islands National Plan of Action for Reducing Incidental Catch of Seabirds (NPOA Seabirds) prepared in accordance with the FAO IPOA – Seabirds, must be complied with at all times by purse seine operators.
- (2) The Cook Islands National Plan Of Action For Sea Turtle Bycatch Mitigation (NPOA-Turtles), implementing the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and the Regional Action Plan for Sea Turtle By-Catch Mitigation in respect of fishing in Cook Islands waters and fishing by Cook Islands vessels, must be complied with at all times by purse seine operators
- (3) The Cook Islands Marine Resources (Shark Protection) Regulations 2012 must be complied with at all times by purse seine operators.
- (4) All purse seine operators are required to avoid the capture, and release unharmed, to the extent practicable, non-target species that are not to be retained.

9 Discarded catches

All discarded catches must be reported to the Secretary by all purse seine operators.

Part 2

Licensing and Conditions of Licences

10 Vessel Licensing

- (1) No vessel 10 metres or more in length may be used for commercial purse seine fishing or related activities in the fishery waters except in accordance with a valid license issued pursuant to the Act.
- (2) Applications for a licence for commercial purse seine fishing must be made to the Secretary in accordance with the Act and the Marine Resources (Licensing) Regulation 2012.
- (3) Despite sub-clause 2 and subject to the Act, a licence may be issued on behalf of the Cook Islands by the Administrator of a multilateral treaty to which the Cook Islands is a party.
- (4) Despite any provision in these regulations, the Minister has the power to revoke, amend or decline any licence issued under these regulations if he or she considers it to be in the best interests of the Cook Islands.

11 Licensing Criteria

When considering an application for a licence, the Minister or Secretary, as appropriate, must have regard to –

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- (a) the contribution of the applicant to social and economic development including onshore processing, if any; and
- (b) the compliance record of the applicant, the owner, or the operator of the vessel.

12 Transhipment and Off-loading

- (1) Subject to the Act, no licensed purse seine vessel may land at any port except for the island of Rarotonga, unless provided with the express permission in writing, of the Secretary.
- (2) No fish may be transhipped in the Cook Islands at sea in the fishery waters or in areas beyond national jurisdiction, including areas of High Seas.
- (3) All purse seine operators provide to the Secretary, information relating to the catch offloaded in form as may be prescribed by the Secretary. Such information shall include details of the catch offloaded by weight, species, rejected catch, and final destination of the catch offloaded.

13 Conditions of fishing

- (1) All commercial purse seine fishing must be conducted in accordance with the Act, the regulations, and conditions of licences.
- (2) No licensed purse seine vessel may fish within 48 nautical miles of Rarotonga.
- (3) No licensed purse seine vessel may fish within 24 nautical miles of any island of the Cook Islands.
- (4) Despite any regulation, the Minister may, by Notice in the Gazette, publish any harmonised regional terms and conditions for purse seine vessels, including those made pursuant to any multi-lateral Treaty or arrangement, to which the Cook Islands is a party.

14 Directives

- (1) The Secretary may, by notice in writing, give directives providing for such matters as are contemplated by or necessary for giving full effect to the provisions of these regulations including, but not limited to –
 - (a) the return or abandonment of any target species or bycatch;
 - (b) the impact of fishing operations in the aquatic environment;
 - (c) the landing of any fish caught under the authority of a licence outside the fishery waters;
 - (d) the maintaining, completion and furnishing of log books, records, returns, or other information;
 - (e) the administration, implementation or operation of any monitoring, control or surveillance programme;
 - (f) the seasonal or permanent closure of areas to fishing under the authority of any licence.
- (2) Any conditions or obligations imposed under any directive issued pursuant to sub-clause 1 may be additional to, or more restrictive than, but must not be inconsistent with, the provisions of the Fishery Plan or the Act.
- (3) Any person who fails to comply with any directive issued under paragraph (1) of this regulation commits an offence and, upon conviction, is liable to a fine as provided by these Regulations

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**Part 3
Offences**

15 General penalties for breach of regulations

- (1) Any person who contravenes any provision of these regulations, including any terms and conditions notified by the Minister under regulation 13(4), commits an offence, and unless otherwise provided in these regulations of the Act, is liable to a fine not exceeding \$250,000.
- (2) Where the offence is a continuing one, a further fine of \$5000 for every day that the offence has occurred.

[Signature]
for Clerk of the Executive Council

These regulations are administered by the Ministry of Marine Resources.
These regulations were made on the _____ day of _____ 2013.