



Niue Moana Mahu Marine Protected Area Regulations 2020

No. 2020/04

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Pursuant to section 15A to 15C, and 17 of the Maritime Zones Act 2013,
Cabinet makes the following regulations –

- 1 Title**
These regulations are the Niue Moana Mahu Marine Protected Area Regulations 2020.
- 2 Commencement**
These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- 3 Interpretation**
 - (1) In these regulations, unless the context otherwise requires, –
Act means the Maritime Zones Act 2013

Beveridge Reef means the marine reef located at latitude 20deg 0'14.011"S and longitude 167deg 45'29.035"W which is within the area described in Schedule 1.

- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

Part 1

Niue Moana Mahu Marine Protected Area

4 Niue Moana Mahu Marine Protected Area

- (1) The Niue Moana Mahu Marine Protected Area encompasses the area of sea, seabed or subsoil and extending 1000 metres below the seabed, and 1000 metres above the level of the sea, being 127,000 square kilometres commenced at the 24 nautical mile contiguous zone and extending to the limits of the 200 nautical mile Exclusive Economic Zone
- (2) is demarcated by the coordinates in Schedule 1.
- (3) For the purposes of section 15A of the Act the Niue Moana Mahu Marine Protected Area is to provide for the protection of the natural integrity and values of the Niue Moana Mahu Marine Protected Area, generally free from extractive activities, but supporting other reasonable ecologically sustainable use.

Part 2

Beveridge Reef Nukutulueatama Special Management Area

5 Beveridge Reef Nukutulueatama Special Management Area

The Beveridge Reef Nukutulueatama Special Management Area-

- (1) is an area of the sea, seabed or subsoil and extending 1000 metres below the seabed, and 1000 metres above the level of the sea, within the limits of the Exclusive Economic Zone:
- (2) is demarcated by the coordinates in Schedule 2:
- (3) For the purposes of section 15A of the Act the Beveridge Reef Nukutulueatama Special Management Area is a marine protected area the objective of which is to provide for the conservation and protection of Beveridge Reef as an outstanding ecological jewel in Niue's ocean.

Part 3

Prohibited activities

6 Prohibited activities

- (1) The following activities are prohibited within the Niue Moana Mahu Marine Protected Area:
- (a) drift-netting:
- (b) the use of explosives, firearms, poison or chemicals for fishing:

- (c) extractive scientific research by all methods:
- (d) deployment of anchored fish aggregation devices:
- (e) deployment of drifting fish aggregation devices:
- (f) gillnetting:
- (g) horizontal multiple hook pelagic and demersal long lining, and vertical long lining:
- (h) all other hook and line fishing:
- (i) purse seining:
- (j) spear fishing:
- (k) trapping
- (l) trawling in all forms:
- (m) trolling:
- (n) bottom anchoring:
- (o) fishing of or around anchored fish aggregation devices:
- (p) fishing of or around drifting fish aggregation devices:
- (q) installation of moorings:
- (r) anchoring on moorings:
- (s) aquaculture:
- (t) military exercises:
- (u) discharge of ballast water:
- (v) seabed mining and mineral and oil exploration or extraction:
- (w) shellfish harvesting, reef gleaning or / dive collecting:
- (x) seabed works, dumping of associated spoil or other waste disposal.

(2) The following activities are prohibited within the Beveridge Reef Nukutulueatama Special Management Area:

- (a) drift-netting:
- (b) the use of explosives, firearms, poison or chemicals for fishing:
- (c) deployment of anchored fish aggregation devices:
- (d) deployment of drifting fish aggregation devices:
- (e) gillnetting:
- (f) horizontal multiple hook pelagic and demersal long lining, and vertical long lining:
- (g) purse seining:
- (h) trapping
- (i) trawling all forms:
- (j) fishing of or around anchored fish aggregation devices:
- (k) fishing of or around drifting fish aggregation devices:

- (l) aquaculture:
- (m) military exercises:
- (n) discharge of ballast water:
- (o) seabed mining and mineral and oil exploration or extraction:

Part 4
Automatic use and entry activities

7 Automatic use and entry activities

- (1) The following activities are automatic use and entry provisions (whilst if applicable, subject to and requiring Niue Government assessment, licencing, approval or agreement) within the Niue Moana Mahu Marine Protected Area:
 - (a) general operation or navigation of an aircraft:
 - (b) general operation or navigation of a vessel, ship or submarine, underwater remote control or piloted submersible craft:
 - (c) non-commercial photography, filming and sound recording:
 - (d) swimming, snorkelling and diving:
 - (e) commercial photography, filming and sound recording:
 - (f) an education program:
 - (g) non-extractive scientific or other research and bathymetric surveying:
 - (h) operating or installing any other facility or structure, only if for the purposes of communications, energy, desalination or other similar service in Niue's national interest.

- (2) The following activities are automatic use and entry provisions (whilst if applicable, still subject to and requiring Niue Government assessment, licencing, approval or agreement) within the Niue Moana Mahu Marine Protected Area and the Beveridge Reef Nukutulueatama Special Management Area:
 - (a) conduct compliance, monitoring, control and surveillance activities:
 - (b) in any emergency, for any of the following purposes:
 - (i) to investigate and respond to an emergency alert or distress signal:
 - (ii) to save human life or avoid the risk of injury to a person:
 - (iii) to locate or secure the safety of an aircraft, vessel, structure or facility that is, or may be, endangered by stress of weather or by navigational or operational hazards:
 - (iv) to deal with a threat of biosecurity importance, or pollution to the marine environment, or a national or international emergency response that Niue is participating in:

- (v) to remove or salvage a vessel or an aircraft, or section of an aircraft, or other wreck, structure or facility, that is wrecked, stranded, sunk or abandoned and poses a threat to the marine environment or human safety.

Part 5

Permitted activities

8 Permitted activities

- 1) The Cabinet may authorise the following activities within the Niue Moana Mahu Marine Protected Area, subject to specific conditions determined by Cabinet -
 - (a) conducting a tourism operation (only if the operation is non-extractive);
 - (b) conducting a vessel or aircraft charter or guide operation (only if the operation is non-extractive);
 - (c) any other purpose that is consistent with the purposes described in regulation 4 (3).

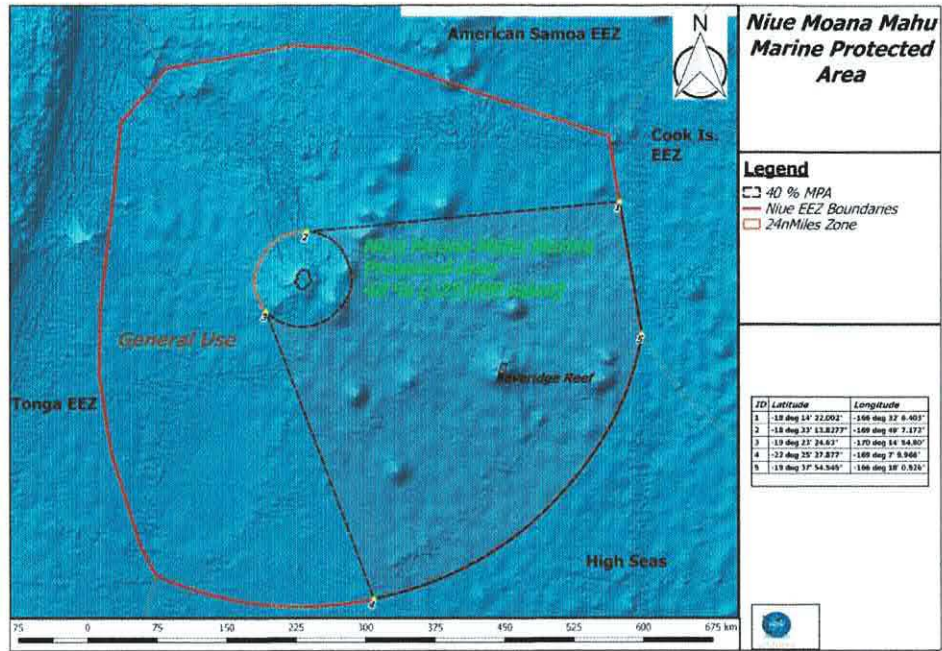
- 2) The Cabinet may authorise the following activities within the Beveridge Reef Nukutulueatama Special Management Area, subject to specific conditions determined by Cabinet-
 - (d) extractive scientific research by all methods:
 - (e) all other hook and line fishing not referred to in regulation 6(2):
 - (f) spearfishing:
 - (g) trolling:
 - (h) bottom anchoring:
 - (i) installation of moorings:
 - (j) anchoring on moorings:
 - (k) general operation or navigation of an aircraft:
 - (l) general operation or navigation of a vessel, ship or submarine, underwater remote control or piloted submersible craft:
 - (m) non-commercial photography, filming and sound recording:
 - (n) swimming, snorkelling and diving:
 - (o) commercial photography, filming and sound recording:
 - (p) an education program:
 - (q) non-extractive scientific or other research and bathymetric surveying:
 - (r) operating or installing any other facility or structure, only if for the purposes of communications, energy, desalination or other similar service in Niue's national interest:

- (s) shellfish harvesting, reef gleaning or / dive collecting:
- (t) conducting a tourism operation:
- (u) conducting a vessel or aircraft charter or guide operation:
- (v) seabed works, dumping of associated spoil or other waste disposal:
- (w) any other purpose that is consistent with the objective described in regulation 5(3).

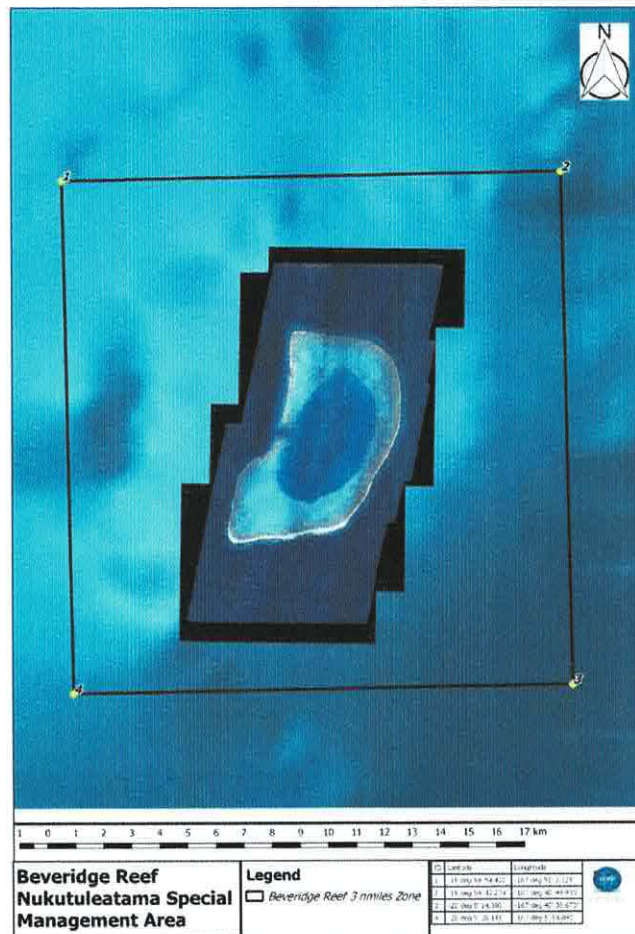
9 Offences

- (1) Any person who engages in any of the prohibited activities within the Niue Moana Mahu Marine Protected Area or the Beveridge Reef Nukutulueatama Special Management Area, commits an offence and is liable on conviction to-
 - (a) the case of an individual, to a fine not exceeding 2,500 penalty units, or to imprisonment for a term not exceeding 6 months, or both:
 - (b) in any other case, to a fine not exceeding 2,500 penalty units.

Schedule 1



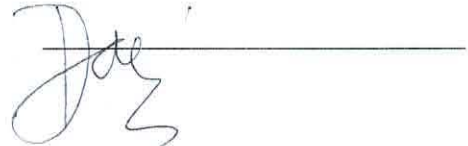
Schedule 2



Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,
Alofi, this

30 day of April 2020.

**Signed by Hon. Toke Tufukia Talagi
Premier**

A handwritten signature in blue ink, appearing to read 'Toke', written over a horizontal line.

**Countersigned by Charlene Funaki
Clerk to Cabinet**

A handwritten signature in blue ink, appearing to read 'Charlene', written over a horizontal line.

These regulations are administered by the Department of Agriculture, Forestry and Fisheries.

These regulations were made on the 30 day of April 2020.