



ANALYSIS

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1982, No. 8

An Act to provide for the management of the Penrhyn,  
Rakahanga and Manihiki Lagoons

(10th September 1982)

BE IT ENACTED by the Parliament of the Cook Islands in session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Pearl and Pearl-Shell (Penrhyn, Rakahanga and Manihiki Lagoons) Act 1982.

2. Interpretation - In this Act:

"Fisheries Officer" means a representative of the Fisheries Division of the Ministry of Agriculture and Fisheries;

"Island Council" means the Island Council of Penrhyn, Rakahanga or Manihiki as the case may be;

"Lagoon" means the Penrhyn, Rakahanga or Manihiki Lagoon as the case may be;

"Minister" means the Minister of Agriculture and Fisheries.

3. Powers of Island Council - (1) No person shall:

- (a) seed, cultivate or otherwise cause to be grown artificially any pearl, or
- (b) seed, cultivate, propagate or transplant any pearl shell, or
- (c) gather, harvest or collect any pearl or pearl-shell

in or from the lagoon unless a permit from the Island Council has first been obtained.

(2) The Island Council may attach such condition or conditions as it deems necessary to any such permit including a description of the area of the lagoon to which the permit relates.

(3) The Island Council shall give reasons for every decision it makes under this section.

(4) A copy of every decision made shall be given to the Fisheries Division of the Ministry of Agriculture and Fisheries.

(5) Notwithstanding anything contained in any other enactment, the Island Council is hereby empowered to grant exclusive licences for pearl and pearl-shell farming in respect of defined areas of the lagoon.

(6) Any Fisheries Officer shall be entitled to address any meeting of the Island Council when considering matters covered by this Act, and the Island Council shall have regard to his submissions.

4. Diving Season - (1) The Island Council may from time to time, by resolution, publicly notified, fix a close season or seasons for pearl-shell or pipi pearls fishing for the whole or any part of the lagoons.

(2) During a close season for pearl-shell or pipi pearls fishing, no person shall fish for pearl-shell or pipi pearls (as the case may be) in any lagoon or any portion hereof.

5. Appeal - Any person who is dissatisfied with a decision of the Island Council may appeal, within 60 days of the date of the decision, to the Minister who may, after consultation with the Island Council, affirm, vary or reverse the decision of the Island Council.

6. Penalty - Any person who acts in contravention of this Act or in contravention of any decision of the Island Council made hereunder, shall be liable upon conviction to a fine not exceeding \$200, and, if the offence is a continuing one, to a further fine of \$50 for every day that the offence continues.

7. Regulations - (1) The Queen's Representative may from time to time by Order in Executive Council make all such regulations as may, in his opinion, be deemed necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before Parliament within 20 days after the date of the making thereof if Parliament is then in session and, if not, shall be laid before Parliament within 20 days after the next ensuing session.

8. Revocation - The Pearl-Shell Fisheries Regulations 1950 (N.Z.) are hereby revoked.

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This Act is administered by the Ministry of Agriculture & Fisheries