

Maritime Zones Amendment Act 2019

No. 349

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An Act to amend the Maritime Zones Act 2013 to enable the establishment of Marine Protected Areas within the Maritime Zones of Niue and to allow for marine management and spatial planning within the Maritime Zones;

- Title**
This Act is the Maritime Zones Amendment Act 2019.
- Commencement**
This Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.
- Principal Act amended**
This Act amends the Maritime Zones Act 2013.

Part 1 **Preliminary matters**

- Act binds the Government**
This Act binds the Government.
- Application of Act**
This Act applies to the Maritime Zones Act 2013.

Part 2 Amendments

6 Marine Protected Areas

(1) The following section is inserted after section 15—

“15A Marine Protected Areas

- “(1) Within the exclusive economic zone and the continental shelf, Niue Cabinet has the exclusive right to authorise and regulate the establishment and management of Marine Protected Areas.
- “(2) Marine protected areas may be established for fisheries management, conservation or environmental protection measures.
- “(3) A Marine protected area may be established subject to specific requirements or regulation as determined by Cabinet.

7 Marine Management and Spatial Planning

(1) The following section is inserted after section 15A -

“15B Marine Management and Spatial Planning

- “(1) Within the exclusive economic zone and continental shelf to the extent that there is no inconsistency with any restrictions of an established marine protected area, Niue Cabinet has the exclusive right to authorise and regulate the establishment and management of marine management and spatial plans.
- “(2) A Marine Management or Spatial plan may be established by regulation for any area within the maritime zones or within a marine protected area.

Part 3 General and miscellaneous provisions

Offences

8 Offences

(1) The following Part is inserted after Part 6-

Part 6A Offences

“16A Breach of a Marine Protected Area


A person who is found to be in breach of any restrictions required within a marine protected area commits an offence and is liable on conviction, —

- “(a) in the case of an individual, to a fine not exceeding 50 penalty units, or to imprisonment for a term not exceeding 6 months, or both; or
- “(b) in any other case, to a fine not exceeding 100 penalty units.

I, TOGIAVALU PITHIGIA Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

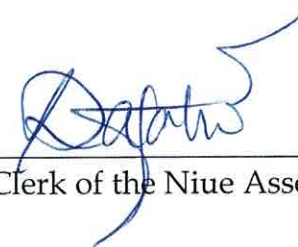
SIGNED AND SEALED at the Assembly Chambers this 23rd day of September 2019.





Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly

This Act is administered by the Department of Agriculture, Forestry & Fisheries.
This Act was passed by the Niue Assembly on the 4th day of September 2019



Ko e Fakatufono Tohi ma e Fakahuiaga he Tau Veveheaga Matakavi Tahī 2019

Numela 349

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Ko e Fakatufono Tohi ke fakahui e Fakatufono Tohi Tau Veveheaga Matakavi Tahī 2013 ke maeke ke fakatū e tau Matakavi Tahī Puipui ki loto he tau Veveheaga Matakavi Tahī ha Niue mo e fakaatā ke taute e tau fakatokatokaaga tahī mo e tau fakaholoaga he tau matakavi tahī ki lalo hifo he Tau veveheaga Matakavi Tahī.

- 1 Mataulu**
Ko e Fakatufono Tohi nai ko e Fakatufono Tohi ma e Fakahuiaga he Tau Veveheaga Matakavi Tahī 2019.
- 2 Kamataaga**
Ke fakagahua e Fakatufono Tohi nai he aho ka mole atu e fakamooliaga he Fakatufono Tohi nai ko e matafakatufono ki lalo hifo he Matakupu 34 he Tohi Fakavē.
- 3 Ke fakahui e matapatu fakatufono tohi**
Kua fakahui he Fakatufono Tohi nai e Fakatufono Tohi Tau Veveheaga Matakavi Tahī 2013.

Vala 1

Folafolaaga

- 4 **Pipi mau he Fakatufono Tohi e Fakatufono**
Pipi mau he Fakatufono Tohi nai e Fakatufono.
- 5 **Fakagahuaaga he Fakatufono Tohi**
Muitua e Fakatufono Tohi nai ke he Fakatufono Tohi Tau Veveheaga Matakavi Tahī 2013.

Vala 2

Tau Fakahui

- 6 **Tau Matakavi Tahī Puipui**
(1) Kua fakahū e matakupu nā i lalo he mole atu e matakupu 15 –

“15A Tau Matakavi Tahī Puipui

- “(1) Ki loto he veveheaga tahi mo e uhotoka motu, fai tonuhia e Fono Ikipule ha Niue ke pule mo e kitekite ke he fakatūaga mo e fakaholoaga he tau Matakavi Tahī Puipui.
- “(2) Maeke e tau matakavi tahi puipui ke fakatū ma e tau tauteaga fakatokatokaaga futi ika, puipui po ke tau puipuiaga fakatakatakaimotu.
- “(3) Maeke e hā Matakavi Tahī Puipui ke fakatū muiua ke he tau fakatokatokaaga fakamahino po ke tau lā fakatufono kua fifili ki ai e Fono Ikipule.

- 7 **Fakatokatokaaga Tahī mo e Fakaholoaga he tau Matakavi Tahī**
(1) Kua fakahū e matakupu nā i lalo he mole atu e matakupu 15–

“15E Fakatokatokaaga Tahī mo e Fakaholoaga he tau Matakavi Tahī

- “(1) Ki loto he veveheaga tahi mo e uhotoka motu, ke he laulahiaga kua nā kai fai kehekeheaga mo e ha fakakaupāaga he ha matakavi tahi puipui, fai tonuhia e Fono Ikipule ha Niue ke pule mo e kitekite ke he fakatūaga mo e fakaholoaga he fakatokatokaaga tahi mo e fakaholoaga he tau matakavi tahi.
- “(2) Maeke e Fakatokatokaaga Tahī mo e Fakaholoaga he tau Matakavi Tahī ke fakatū fakalā fakatufono ke he ha matakavi ki loto he tau veveheaga matakavi tahi po ke ki loto he ha matakavi tahi puipui.

Vala 3
Tau fakavēaga laulahi mo e falu a matakupu foki

Tau Agahala

8 Tau Agahala

(1) Ke fakahū e Vala nā i lalo ka mole e Vala 6 –

Vala 6A
Tau Agahala

“16A Holia e taha Matakavi Tahī Puipui

Kaeke kua moua taha kua holia e ha fakakaupāaga ki lalo hifo he matakavi tahī puipui kua agahala mo e ke fakahala,-

“(a) kaeke ko e tagata tokotaha, ke he tau tupe totogi nākai molea e 50 e uniti fakahala, po ke tuku ke he fale puipui nākai molea e ono e tau mahina, po ke tau fakahala ua nai; po ke

“(e) ke he ha tauteaga foki, ke he tau tupe totogi nākai molea e 100 uniti fakahala.

Tau fakavēaga ke he hikiaga nai mo e tau magaaʻho ne fakamole

Ko au, ko **TOGIAVALU PIHIGIA**, Takitaki Fono he Fono Ekepule, kua fakamooli kua maopoopo e tau poakiaga he Fakatufono-tohi Fakavē.

FAKAMOOLI MO E FAKAMAILOGA he liu fale he Fono Ekepule he Aho 23 ia Sepetema 2019



A handwritten signature in blue ink, appearing to be "Togiava", written over a horizontal line.

Fakatonufono he Fono Ekepule

FAKAMOOLI FOKI ki mua he Fakatonufono

A handwritten signature in blue ink, appearing to be "Dafatu", written over a horizontal line.

Tohi Kupu he Fono Ekepule a Niue

Ko e Faahi Gahua Futi Ika mo e Tō Akau ke fakagahua e Fakatufono-tohi nai.
Kua fakamooli he Fono Ekepule ha Niue e Fakatufono-Tohi nai he Aho 4 he mahina
ha Sepetema 2019.