



## Marine Resources (Large Pelagic Longline Fishery and Quota Management System) Regulations 2016

**His Excellency, Tom Marsters**

**Queen's Representative**

### Order in Executive Council

At Avarua, Rarotonga this **6<sup>th</sup>** day of **December** 2016

**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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**1 Title**

These regulations are the Marine Resources (Large Pelagic Longline Fishery and Quota Management System) Regulations 2016.

**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

**albacore** means the species *Thunnus alalunga*

**bigeye tuna** means the species *Thunnus obesus*

**e-monitoring equipment** means—

- (a) a thing used for, intended to be used for, or capable of being used for, generating, transmitting or storing data; or
- (b) a thing that makes, is intended to make, or is capable of making, a thing covered by paragraph (a) operational

**fishery plan** means the Large Pelagic Longline Fishery Plan prepared by the Secretary in accordance with section 6 of the Act

**fishing licence** has the same meaning as it has in section 2 of the Act

**fishing vessel** has the same meaning as it has in section 2 of the Act

**large pelagic longline fishery** means longline fishing for the following species—

- (a) tuna—albacore (*Thunnus alalunga*), bigeye (*Thunnus obesus*), Pacific bluefin (*Thunnus orientalis*), skipjack (*Katsuwonus pelamis*), and yellowfin (*Thunnus albacares*);
- (b) billfish—blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), swordfish (*Xiphias gladius*), sailfish (*Istiophorus platypterus*) and spearfish (*Tetrapturus angustirostris*);
- (c) other— wahoo (*Acanthocybium solandri*), dolphinfish (*Coryphaena hippurus*).

**locally based fishing vessel** means the vessel—

- (a) is fully operated from a Cook Islands port;
- (b) fishes mainly in the Cook Islands waters; and

(c) lands all or the majority of its catch in the Cook Islands

**longline fishing** means fishing using equipment that comprises a mainline, branch lines, and hooks

**minimum quota mix** means the amount set from time to time in the fishery plan

**Minister** means the Minister of Marine Resources

**National Plan of Action** are instruments elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries

**operator** has the same meaning as it has in section 2 of the Act

**owner** has the same meaning as it has in section 2 of the Act

**person** has the same meaning as it has in section 2 of the Act

**quota management system (QMS)** means the quota management system established under the fishery plan

**QMS stock** means a stock or species of fish for which a quota management system has been established

**Secretary** means the Secretary of Marine Resources

**TAC**, in relation to a QMS stock, means the total allowable catch set for that stock by the fishery plan, and includes any amendments made from time to time in accordance with these regulations

**TACC**, in relation to a QMS stock, means the total allowable commercial catch set for that stock by the fishery plan, and includes any amendments made from time to time in accordance with these regulations

**transshipment** has the same meaning as it has in section 2 of the Act

**unfit for human consumption** includes, but is not limited to fish that—

- (a) is damaged due to shark or whale depredation; or
- (b) has died and spoiled on the line if a gear failure has prevented both the normal retrieval of the gear and catch and efforts to release the fish alive; and
- (c) does not include fish that—
  - (i) is considered undesirable in terms of size, marketability, or species composition; or
  - (ii) is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.

- (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.

#### **4 Designation of the large pelagic longline fishery**

- (1) The large pelagic longline fishery is hereby declared to be a designated fishery pursuant to section 6 of the Act.
- (2) The albacore and bigeye stocks that are part of the large pelagic longline fishery are subject to a quota management system in accordance with these regulations and the fishery plan.

#### **5 Fishery Plan**

- (1) The fishery plan set out in Schedule Four must apply to the large pelagic longline fishery.

- (2) The fishery plan is deemed to have entered into force on the date on which these regulations are made.

**6 Application of these regulations**

- (1) The fishery plan and these regulations apply to all commercial longline fishing, targeting large pelagic species within the fishery waters, except that the fishery plan does not apply to,—
- (a) exploratory fishing carried out under section 5 of the Act;
  - (b) subsistence fishing;
  - (c) recreational fishing including the use of recreational vessels for hire or charter;
  - (d) fishing beyond the fishery waters.

**7 How stock or species becomes subject to a quota management system**

- (1) The quota management system in the fishery plan must come into force when the fishery plan comes into force under regulation 5(2) of these regulations or as otherwise provided in the fishery plan.
- (2) A QMS has effect according to its terms, subject to these regulations.

**8 Quota for stock owned by Crown**

- (1) All quota in QMS stocks is owned exclusively by the Crown until allocated in accordance with the fishery plan and these regulations.
- (2) The Secretary, on behalf of the Crown, may—
- (a) sell, lease, or purchase any quota in any QMS stock;
  - (b) hold any quota without being obliged to offer it to any person.

**9 Limits on fishing QMS stock under the fishery plan**

- (1) Under these regulations the fishery plan must provide the following purposes,—
- (a) the establishment of a TAC and TACC for the QMS stocks;
  - (b) enabling the Secretary to adjust (by increasing or decreasing) any TAC or TACC specified in the fishery plan in any circumstances, and in accordance with any criteria, specified in the regulations;
  - (c) defining the quota management area and the fishing period that applies to the QMS stock;
  - (d) any other matters that are necessary or expedient for the purposes of giving full effect to the fishery plan.

**10 Eligibility for allocation of quota for the initial year**

A person is eligible to receive an allocation of a QMS stock for the initial year if, on the date which these regulations come into force, the person holds a license under the Act for 1 or more fishing vessels that entitles the holder to use the vessel or vessels to take for sale any fish of the stock in the fishery waters of the Cook Islands.

**11 Assignment of quota**

- (1) The holder of a fishing licence granted under these regulations must purchase a minimum quota mix as determined by the fishery plan.
- (2) The Secretary may assign additional quota to a quota holder upon an application in the form set out in Schedule Three and the payment of the prescribed fee.

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Regulations 2016**

- (3) If a quota holder holds more than one valid fishing licence, he may aggregate the combined quota of the QMS stock respectively.
- (4) A quota holder must cease fishing upon notification by the Secretary of a nil balance of quota holding.

**12      Reporting**

- (1) Every quota holder must electronically report to the Secretary the catch log sheet prescribed in the form set out in Schedule Three,—
  - (a) by the Wednesday of the following week;
  - (b) not later than twenty four hours after completion of each fishing set when the holder has fished more than eighty per cent of the quota;
  - (c) at any other time at the request of the Secretary.
- (2) When a quota holder has fished more than 80 per cent of the quota they must electronically report to the Secretary the daily report prescribed in the form set out in Schedule Three.
- (3) Every quota holder must provide an unloading report to the Secretary in the prescribed form in Schedule Three, not later than forty eight hours after completing any unloading.

**13      Balancing of quota held**

- (1) The Secretary must maintain a record of quota returns in a Quota Register kept under section 44 of the Act.
- (2) When the holder has fished more than eighty per cent of the quota and before the quota holder has finished a fishing set, the Secretary must advise quota holders within 72 hours of the balance of their quota.
- (3) The holder of a valid fishing license may apply in the prescribed form, to the Secretary for additional quota subject to any conditions specified in or under the fishery plan so long as the TACC is not exceeded.

**14      Balancing of TACC**

- (1) The Secretary must advise all license holders when the levels of catches exceed—
  - (a) eighty per cent of TACC limit;
  - (b) ninety per cent of the TACC limit.
- (2) When the level of catches exceeds ninety per cent, the Secretary may direct license holders to promptly take necessary measures to ensure that no further fishing sets are made by its vessels during the remaining QMS fishing period and report those measures to the Secretary.

**15      Protection of non-target species**

- (1) The Cook Islands National Plan of Action for Reducing Incidental Catch of Seabirds must be complied with at all times.
- (2) The Cook Islands National Plan of Action for Sea Turtle By-catch Mitigation must be complied with at all times.

**16      Discarded catches**

- (1) Vessels must retain all species of the large pelagic longline fishery except in the following exceptional circumstances the—
  - (a) haul for the last fishing set has no storage space on board:

- (b) catch is unfit for human consumption for reasons other than size.
- (2) Any catch discarded under section 16(1) must report the discarding event and reason for discarding, to the Secretary.

**17 Vessel Licensing**

- (1) Vessels 10 metres or more in length must not be used for commercial large pelagic longline fishing or related activities in the fishery waters except in accordance with a valid license issued under the Act.
- (2) Applications for a licence for commercial large pelagic longline fishing must be made to the Secretary in accordance with these regulations and the Marine Resources (Licensing) Regulations 2012.

**18 Licensing criteria**

- (1) When considering an application for a licence, the Minister or Secretary, as appropriate, must have regard to—
  - (a) whether or not the applicant is a Cook Islander:
  - (b) where the applicant is a company, the extent to which the beneficial control of the company vests in Cook Islanders or lies within the Cook Islands jurisdiction:
  - (c) the contribution of the applicant to social and economic development:
  - (d) the compliance record of the applicant, the owner, or the operator of the vessel.

**19 Fishery Development Facility**

- (1) The fishery development facility established under the fishery plan must be financed by Government appropriation.
- (2) The amount of funds to be transferred to the fishery development facility must be prescribed by regulation.

**20 Conditions of fishing**

- (1) All commercial large pelagic longline fishing must be conducted in accordance with the Act, these regulations, and the conditions of licences.
- (2) Any person who operates a vessel which is 20 metres or more in length must not fish for large pelagic species by horizontal long lining within 24 nautical miles of Rarotonga.
- (3) Licensed vessels must not fish within 12 nautical miles of any other island of the Cook Islands.
- (4) For the purpose of giving effect to any treaty entered into by the Cook Islands or any international conservation and management measure or arrangement to which the Cook Islands is a party or is a cooperating non-contracting party,—
  - (a) the Secretary may give notice in the Gazette or attach any conditions to a licence that the Secretary or the Minister consider necessary or desirable for this purpose:
  - (b) the Secretary must publish in the Gazette at least every 6 months any conditions that have been imposed on individual licences under this section.

**21 Transshipment**

Transshipment must be conducted in accordance with the Act.

**22     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 this fishery plan, including, but not limited to the,—
- (a)     return or abandonment of any target species or by-catch:
  - (b)     impact of fishing operations in the marine environment:
  - (c)     landing of any fish caught under the authority of a licence outside the fishery waters:
  - (d)     maintaining, completion and furnishing of log books, unloading reports, records, returns, or other information, including electronic log sheets:
  - (e)     administration, implementation or operation of any monitoring, control, or surveillance programme, including e-monitoring equipment, readings, printouts, displays and pictures of or produced by any electronic systems:
  - (f)     seasonal or permanent closure of areas to fishing under the authority of any licence.
- (2)     Any conditions or obligations imposed under any directive issued under sub-regulation (1) of this regulation 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 sub-regulation (1) of this regulation commits an offence, and, upon conviction, is liable to a fine not exceeding \$100,000.

**23     General penalties for breach of regulations**

- (1)     Any person who contravenes any provision of these regulations commits an offence, and unless otherwise provided for in these regulations, is liable on conviction to a fine not exceeding \$250,000.
- (2)     In addition to or instead of imposing a fine under sub-regulation (1), the Court may order that any unused quota held by the person be forfeited to the Crown.
- (3)     Where the offence is a continuing one, the person is liable to a further fine of \$5,000 for every day on which the offence has continued.

**24     Fees**

The licensing and other fees applicable and payable under the fishery plan are set out in Schedule One.

**25     Repeals**

The Marine Resources (Large Pelagic Longline Fishery) Regulations 2012 is repealed.

**26     Consequential amendments to other regulations**

The regulations listed in Schedule Two are amended as set out in that schedule.

**27     Savings**

The repeal of the regulations and order referred to in regulation 25, must not affect anything whatsoever done pursuant to those regulations.





### **Schedule One Fees**

1. Application for a fishing licence: NZD200
2. Application for additional quota: NZD200
3. Fishing licence for locally based fishing vessel:

<b>Length Overall (LOA)</b>	<b>Fee</b>
Under 20 metres	NZD5,000
Over 20 metres	NZD7,500

4. Fishing licence for non-locally based fishing vessel:

<b>Length Overall (LOA)</b>	<b>Fee</b>
Under 20 metres	NZD7,500
Over 20 metres	NZD10,000

5. Fishing development facility fee payable by non-locally based fishing vessels:  
NZD10,000 per annum.

### **Schedule Two Consequential amendments to other regulations**

Regulation 49 of the Marine Resources (Licensing) Regulations 2012 is repealed and substituted with—

“49. Non-application of these regulations— (1) The First and Second Schedules do not apply to vessels to be used for exploratory fishing or recreational fishing:

(2) The Second Schedule does not apply to the Marine Resources (Large Pelagic Fishery) Regulations 2016.”

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### **Schedule Three Forms**

**1. Zone entry and exit reports**

- (a) Report type (ZENT for entry and ZEXT for exit)
- (b) Vessel Name (MMR standardised)
- (c) Licence number
- (d) Trip start date i.e. date of departure from port
- (e) Date and time (GMT)
- (f) International Radio Call Sign (IRCS)
- (g) Position (to one minute of arc)
- (h) Catch on board by weight (kilograms) by species
- (i) Intended action

Example:

ZENT (or ZEXT) / VESSEL NAME/ LIC / START / ddmmyy / TIME / IRCS / LA  
11°11 LO 111°11 / CATCH kg / INTENDED ACTION

**2. Daily reports**

- (a) Vessel name (MMR standardised)
- (b) License number
- (c) Trip start date i.e. date of departure from port
- (d) Date and time (GMT)
- (e) International radio call sign (IRCS)
- (f) Position (to one minute of arc)
- (g) Catch on board by weight (kilograms) by species
- (h) Intended action

Example:

VESSEL NAME/LIC/START/ddmmyy/TIME/IRCS/LA 11°11 LO 111°11/CATCH  
kg / INTENDED ACTION

**3. Trip Completion Report**

- (a) Report type (COMP)
- (b) Vessel Name (MMR standardised)
- (c) Licence number
- (d) Trip start date i.e. date of departure from port
- (e) Date and time (GMT)
- (f) International call sign
- (g) Port of unloading
- (h) Catch unloading by weight by species

Example:

COMP / VESSEL NAME / LIC / TBD / ddmmyy / TIME / CALL SIGN / PORT /  
CATCH



### i. Catch Logsheet

## SPC / FFA REGIONAL LONGLINE LOGSHEET -- EXPANDED FORMAT

[illegible]

## SPC / FFA REGIONAL LONGLINE UNLOADING DESTINATION FORM

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GOVERNMENT OF THE COOK ISLANDS



APPLICATION FOR ADDITIONAL QUOTA

- INSTRUCTIONS:
- \* Clearly mark the boxes ☒ where appropriate:
  - \* Answer all the questions on this form either by filling in the spaces provided, or by checking the appropriate answer:
  - \* Underline surname or family name:
  - \* Address means the applicants full postal address:
  - \* All units are Metric, please specify if other units are used:
  - \* This form must be accompanied by the prescribed application fee.

<input type="checkbox"/> COOK ISLANDS FISHING VESSEL	<input type="checkbox"/> FOREIGN FISHING VESSEL
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VESSEL DETAILS

Name of Vessel:	Country of Registration (Flag):
<input type="text"/>	<input type="text"/>
International Radio Call Sign:	Flag State Registration Number:
<input type="text"/>	<input type="text"/>
Current License Number:	Fishing Company:
<input type="text"/>	<input type="text"/>
Requested additional quota:	
<input type="text"/> Albacore (mt)	<input type="text"/> Bigeye (mt)

APPLICANT DETAILS

Name:	Address:
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Phone: <input type="text"/>	Fax: <input type="text"/>
Email: <input type="text"/>	

APPLICANT DECLARATION

I, \_\_\_\_\_ hereby apply for additional quota of  
(insert name of licence holder)  
\_\_\_\_\_ tonnes of albacore tuna and \_\_\_\_\_ tonnes of bigeye tuna.

I declare that the above information is true, complete and correct. I understand I am required to report any changes to the information given in this form to the Secretary of Marine resources immediately or otherwise not later than seven (7) days after the date the change of information arose and further understand that failure to report such changes to the information is an offence which may lead to my prosecution.

<input type="text"/>	<input type="text"/>
Applicant Signature	Date



## Schedule Four Fishery Plan



# LARGE PELAGIC LONGLINE FISHERY PLAN (2016)

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**Part 1  
Preliminary Information**

**1. Title**

The title of this Plan is the Large Pelagic Longline Fishery Plan (Fishery Plan).

**2. Application**

- (1) The Fishery Plan has been prepared in accordance with section 6(2) of the Marine Resources Act 2005 (Act) and the Marine Resources (Large Pelagic Longline Fishery & Quota Management System) Regulations 2016 (Regulations). The Fishery is hereby declared to be a Designated Fishery under section 6(1) of the Act.
- (2) All activities carried out under this Fishery Plan will be subject to the applicable provisions of all Acts and Regulations of the Cook Islands.
- (3) The area of application of the Fishery Plan is the same as the Regulations.

**3. Purpose**

- (1) The purpose of this Plan is to provide effective management of the large pelagic longline fishery in the Cook Islands waters in order to ensure sustainable development of the fishery.
- (2) This Plan also establishes a quota management system for the pelagic longline fishery in accordance with the Act and the Regulations.

**4. Definitions**

- (1) All terms and definitions in this Plan have the same meaning as in the Act and in the Regulations.
- (2) **Quota** means an allocation of a right to harvest a certain amount of fish within a single specified fishing period.

**Part 2  
Quota Management System (QMS)**

**5. Tuna stocks subject to QMS under this Fishery Plan**

- (1) **Albacore tuna** (*Thunnus alalunga*)
  - a) Albacore tuna consists of a single stock in the South Pacific, distributed south of the equator and spawning in tropical and subtropical latitudes. Juveniles are caught in surface fisheries around New Zealand in the higher latitudes, while adults are taken in the tropical and subtropical waters in the longline fishery. Large distant water fleets and the domestic fleets of Pacific Island countries catch a large proportion of adult albacore across their geographic range with strong seasonal trends. The longline fishery operates in the southern latitudes in the late summer, moving north during the winter. This trend is evident in the Cook Islands with a very strong seasonal longline trend and increased catch rates from around March/April through to September/October.



- b) The most recent stock assessment on South Pacific Albacore was conducted in 2015 by the Pacific Community's Oceanic Fisheries Program (OFP) and concluded that overfishing is not occurring and the stock is currently not overfished. The current spawning biomass is above the adopted limit reference point of 20% unfished spawning biomass and is at approximately 43% of its unfished levels.
- c) The Cook Islands tuna fishery has typically consisted of longline vessels targeting South Pacific Albacore servicing the canneries of Pago Pago and Apia. A small domestic fresh fish fleet operates out of Rarotonga, supplying the local market and some foreign exports.
- d) The Cook Islands historic peak catch of albacore was 8,800mt and was attributed largely to the 17 longline bigeye and swordfish exploratory programmes which operated in 2012. The total catch of albacore from longlining within the Cook Islands Exclusive Economic Zone (EEZ) in 2015 was 3,271 metric tonnes. The 2015 Western Central Pacific Fisheries Convention Area (WCPF-CA) catch of South Pacific albacore was 68,594mt.

**(2) Bigeye tuna (*Thunnus obesus*)**

- a) Bigeye tuna are distributed throughout the tropical and sub-tropical waters of the Pacific Ocean. They are relatively fast growing reaching a maximum size of about 200 cm, and begin to mature at around half that size at around 3 years of age. Bigeye tuna are caught in both the purse seine fisheries, mostly as juveniles as well as the longline fisheries as valuable adult fish.
- b) The most recent stock assessment on bigeye tuna was conducted in 2014 by the Pacific Community's OFP and concluded that bigeye tuna is currently overfished and overfishing is occurring. Recent levels of spawning biomass (16%) are most likely below the limit reference point of 20% unfished spawning biomass. This means that fish are being removed at a rate faster than what could maintain the stock and that the amount of fish left in the water is less than the limit that has been agreed upon.
- c) Bigeye tuna is a key tuna species taken in both the Cook Islands longline and purse seine fisheries. The total catch of bigeye in the Cook Islands in 2015 was 517mt in the longline fishery and 96mt in the purse seine fishery. The Western Central Pacific Fisheries Convention Area (WCPF-CA) catch of bigeye was 134,084mt which comprises 5% of the total WCPF-CA tuna catch. Approximately 48,700mt of bigeye was taken in the purse seine fishery and 64,000mt in the longline fishery.

**6. The Management Area and Fishing Period for the QMS**

- (1) The management area for the QMS includes all the Cook Islands territorial waters and the Exclusive Economic Zone (EEZ).
- (2) Under the QMS, the duration for a fishing period and licensing period shall be separated on an annual basis according to the calendar year beginning on the 1<sup>st</sup> January and ending on the 31<sup>st</sup> December.

**7. Limits on QMS stock**

- (1) The annual total allowable catch (TAC) and total allowable commercial catch (TACC) for commercial longline fishing of albacore and bigeye shall be established under this Fishery Plan.
- (2) The TAC and TACC limits for an annual fishing period may be revised three months prior to the start of the fishing period date, i.e., before 30<sup>th</sup> September.

- (3) The initial limits are:
- (i) Albacore TAC: **9,750 mt**
  - (ii) Albacore TACC: **9,698 mt**
  - (iii) Bigeye TAC: **3,500 mt**
  - (iv) Bigeye TACC: **2,500 mt**

#### **8. Minimum Quota Mix**

- (1) In order to be issued with a fishing license under this Plan a minimum quota holding must be purchased as follows:
- (i) Albacore minimum quota: **25 mt**
  - (ii) Bigeye minimum quota: **20 mt**

#### **9. Purchase of QMS quota**

- (1) Up to eighty per cent of the QMS stock quota may be purchased by licence holders in the period from October to December of the preceding calendar year.
- (2) The price of quota shall be initially set at a fixed amount and may be amended from time to time, as notified in writing by the Secretary. The price in New Zealand dollars is as follows:
- (i) Albacore quota: **\$250 per mt**
  - (ii) Bigeye quota: **\$250 per mt**
- (3) Fishing vessels that are locally based will be exempted from purchasing the minimum quota mix.
- (4) Quota may only be purchased for a single calendar year, being 1 January to 31 December.

### **Part 3 Conditions for Fishing**

#### **10. Licensing**

- (1) All fishing conducted under this Plan will be done in accordance with the license and fees conditions under the Act and regulations.
- (2) The licensing processes and conditions, excluding fees, are mainly provided for under the Marine Resources (Licensing) Regulations 2012.

#### **11. Monitoring, Control and Surveillance (MCS)**

- (1) The Cook Islands aims to provide a level of observer coverage for the large pelagic fishery in its fishery waters of at least twenty per cent coverage of sea days.
- (2) The Cook Islands aims to implement a comprehensive electronic monitoring program for the entire fleet by 2019.
- (3) The Cook Islands aims to achieve one hundred per cent of electronic reporting.
- (4) Forms for reports are appended in the Regulations. The reports shall be sent in their original and unaltered form to the Secretary to the following address:
- a) via email: *data@mmr.gov.ck*; or
  - b) via post: *The Secretary, Ministry of Marine Resources, PO BOX 85, Moss Road, Avarua, Rarotonga, Cook Islands.*

#### **12. Fisheries Development Facility**

- (1) The Regulations will establish a funding facility to support the domestic fisheries sector, including technical assistance, grants and sector support. The main

beneficiaries are the local fishers including those who fish for subsistence, artisanal and semi-commercial purposes.

- (2) The forms of assistance to be provided, institutional and administrative arrangements and the level of funding will be outlined in a Ministry of Marine Resources Policy “The Fisheries Development Facility” which will be updated annually by the Secretary.

### **13. International Obligations**

- (1) The Cook Islands aims to cooperate with other States to ensure the effective conservation and management of tuna stocks managed by the Western Central Pacific Fisheries Commission (WCPFC), namely–
  - a) Bigeye stock has been identified as a species whose status is of particular concern;
  - b) The WCPFC also seeks to prohibit fleets from increasing the number of vessels fishing for albacore south of 20 degrees south latitude;
  - c) WCPFC also seeks to mitigate the impact of fishing on non-target species including striped marlin, sea birds, swordfish, South Pacific albacore, silky shark and oceanic whitetip shark;
  - d) The WCPFC encourages the development of zone-based longline management for tropical tunas;
  - e) The WCPFC seeks to establish a catch based harvest strategy for all of the key tuna species.

## **Part 4 General**

### **14. Quota Management Advisory Committee (QMAC)**

- (1) The QMAC is an advisory body that will comprise stakeholders and experts who will provide advice that ensures the longline fishery is environmentally and ecologically sustainable, contributes to socio-economic development, promotes business and investment and is consistent with best international practices.
- (2) Its membership shall comprise:
  - a) a Chairperson whom shall be the Secretary;
  - b) the MMR Director for Offshore Division; and
  - c) at least three members with independent scientific, economic and legal expertise;
  - d) at least one representative from each of the artisanal, domestic and foreign fishing industry sectors; and
  - e) one representative from an environment/conservation non-government organisation and
  - f) additional observers from relevant areas including MMR Officers and the general public as deemed necessary by the Chair.

### **15. Stakeholder Consultation**

- (1) The Secretary may organize consultations with key stakeholders in the fishery at any time.
- (2) The scope of the consultations may include matters –
  - a) related to the management and regulation of fishing including licensing, quota and conditions of fishing;

- b) related to the development of fishing and fish processing including investment policies, financial arrangements and projects to promote, market or process fish;
- c) related to socio-economic or environmental impacts of large pelagic fishing, processing and marketing, including impacts on target and bycatch species;
- d) such other fishery related issues as the Secretary may decide.

## **16. Review of the Fishery Plan**

- (1) Prior to the expiry of each two year period from the commencement date of the Fishery Plan, the Secretary must conduct a review to determine whether the Fishery Plan should be amended and/or revoked.
- (2) In reviewing the Fishery Plan the Secretary must have particular regard to the:
  - a) objectives of the Act and this Fishery Plan;
  - b) effectiveness of the fisheries statistics and data collection;
  - c) control and surveillance programs;
  - d) status of the stocks (both target and non-target or associated species), including changes in yield, species, size composition or distribution;
  - e) status and economic viability of the fishery and associated fishing industry; the appropriateness of fees and charges;
  - f) effectiveness of the conservation and management measures, including the quota management provisions.
- (3) The Secretary may consult with key stakeholders prior to making any recommendation to the Minister as a result of the review.
- (4) Having conducted the analysis, the Secretary shall make recommendations to the Minister as to the continued management of the large pelagic longline fishery.
- (5) A review of the Fishery Plan may be undertaken at any time under exceptional circumstances, the scope of which may be restricted to matters relevant to the exceptional circumstance.

## **17. Savings**

- (1) This Fishery Plan shall be interpreted in a manner consistent with the provisions of the Act and any other regulations provided, that if any provision of this Fishery Plan or any conditions imposed by or under this Fishery Plan are held to be invalid, the invalidity does not affect the provisions of any other part of the Fishery Plan or conditions imposed, and to this end the remaining provisions of the Fishery Plan or other conditions shall be treated as severable from the invalid provisions or conditions.

## **Part 5 Schedule**

- (1) The table below is a summary of catch of albacore and bigeye tuna by longline and purse seine gear within the Cook Islands EEZ from 2001 – 2015.

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
LL	ALB	2	761	1,432	1,663	2,352	2,573	2,762	2,652	5,013	3,463	4,338	8,833	5,311	4,701	3,271
	BET	1	62	201	334	206	195	207	330	496	328	738	2768	387	753	517
PS	ALB	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	BET	181	150	0	0	0	1	0	78	34	13	6	447	512	809	96

2016/13

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Aukino Tairea  
Clerk of the Executive Council

These regulations are administered by the Ministry of Marine Resources.  
These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.