



Territorial Sea and Exclusive Economic Zone (International Cooperation) Amendment Act 2025

No. 383

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An Act to amend the Territorial Sea and Exclusive Economic Zone Act 1996 to strengthen fisheries enforcement activities under the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region by:

- (a) allowing the enforcement of the Act against vessels and persons found beyond Niue's fishery waters; and**
- (b) allowing for the exchange of official information with foreign governments and international organisations.**

The Assembly enacts as follows—

- 1 Title**
This Act is the Territorial Sea and Exclusive Economic Zone (International Cooperation) Amendment Act 2025.

2 Commencement

This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.

3 Principal Act

This Act amends the Territorial Sea and Exclusive Economic Zone Act 1996.

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

““official information” means any information that is lawfully produced, obtained, or retained by a government department, public service agency, or other public organisation and that may be lawfully shared with the Department of Agriculture, Forestry, and Fisheries”

5 New section 11A inserted (Enforcement of Act against vessels and persons found beyond fishery waters)

After section 11, insert:

“11A Enforcement of Act against vessels and persons found beyond fishery waters

“(1) Despite section 11, the requirements of this Act, and offences under it, may be enforced by a Niuean court against the following:

“(a) a vessel that has been engaged in fishing in fishery waters that is found beyond fishery waters:

“(b) all persons (including persons who are not Niuean) found on such a vessel.

“(2) In this section and section 40, **vessel** includes any vessel whether or not it is registered or capable of being registered on the Niue ship register.”

6 Section 39 amended (Powers of authorised officers)

(1) Repeal section 39(2)(c).

(2) After section 39(3), insert:

“(4) When exercising powers under this section, an authorised officer may use such force as is reasonably necessary in the circumstances.”

7 Section 40 replaced (Powers of authorised officers beyond fishery waters)

Replace section 40 with:

“40 Powers of authorised officers beyond fishery waters

“(1) An authorised officer may exercise their powers under this Act to enforce the requirements of this Act, and offences under it, against the following:

- “(a) a vessel that the officer reasonably suspects may have been engaged in fishing in fishery waters that is found beyond fishery waters and all things on board:
 - “(b) all persons (including persons who are not Niuean) found on such a vessel.
- “(2) An officer may require the vessel and all persons and things on board to return to fishery waters or Niue and may, if necessary, pursue or seize the vessel or arrest any person in order to achieve its or their return to fishery waters or Niue.
- “(3) When exercising their powers an officer must do so in accordance with international law.”

- 8 New Part 10A inserted (Cooperation and exchange of information with foreign governments and international organisations)**
After Part 10 insert:

“Part 10A

“Cooperation and exchange of information with foreign governments and international organisations

“59B Cooperation and exchange of information with foreign governments and international organisations

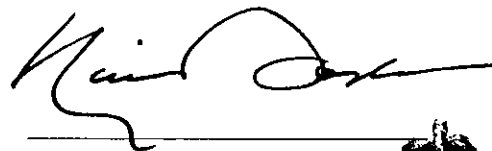
“The Director may provide any information lawfully collected, obtained, or held by the Department of Agriculture, Forestry, and Fisheries (including official information it obtains from government departments, public service agencies, or other public organisations) to any foreign government or international, regional, or subregional fisheries management organisation for 1 or more of the following purposes:

- “(a) to discharge Niue’s obligations under a treaty or other regional or international agreement to which Niue is a party:
 - “(b) to discharge Niue’s obligations in respect of any applicable regional or international conservation or management measure:
 - “(c) to discharge monitoring, control, or surveillance obligations to a foreign State under a treaty or arrangement:
 - “(d) to provide assistance to the foreign government or organisation with the investigation or prosecution of criminal offences.”
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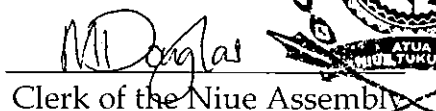
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Niue Assembly Chambers this 01st day of December 2025.



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, and Fisheries.

This Act was passed by the Niue Assembly on the 27th day of November 2025.
