



The Kiribati Gazettes

Acts of 2019

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• 2019

The Kiribati Gazette is an official publication of the Government of Kiribati. Published on a monthly basis through the Communications Unit of the Office of Te Beretitenti, the Kiribati Gazette contains publications of Instruments, Acts, Notices and Proclamations (public and official announcements) from the Government of Kiribati



FISHERIES ACT 2010
(No. 6 of 2010)

FISHERIES (CONSERVATION AND MANAGEMENT OF COASTAL MARINE RESOURCES)
REGULATIONS 2019

In exercise of the powers conferred by section 45 of the Fisheries Act 2010, the Beretitenti, acting in accordance with the advice of Cabinet makes the following Regulations:

PART I - PRELIMINARY PROVISIONS

1. Short title and Commencement

- (1) These Regulations may be cited as the Fisheries (Conservation and Management of Coastal Marine Resources) Regulations 2019.
- (2) These Regulations shall come into operation on the date of publication by notice at the Office of the Beretitenti.

2. Purpose

The purpose of these Regulations is to:

- (1) conserve, manage and protect coastal marine resources to ensure their sustainable utilization for the benefit of I-Kiribati people; and
- (2) state out conservation and management measures to sustain the marine resources covered under these Regulations; and
- (3) enable the inclusivity of the community in fisheries management through recognising and enforcing community-based fisheries management plans; and
- (4) promote data collection through the establishment of a record of licensed fishing vessels and reporting obligations to enhance the ability to conserve and manage such marine resources.

3. Interpretation

In these Regulations, unless the context provides otherwise:

“Act” means the Fisheries Act 2010 as amended;

“anchored fish aggregating device” or “AFAD” has the same meaning as in the Fisheries (Fish Aggregating Device Management) Regulations 2014;

“authorised officer” has the same meaning as in the Act;

“body corporate” means a company incorporated under the Companies Ordinance 1979 or otherwise and whether in Kiribati or elsewhere, or a prescribed form of legal association, and include a business;

“coastal community” means a community that is established and recognised under the Incorporated Societies Act 2002 as an incorporated society for purposes which include participation in the conservation, management and protection of coastal marine resources in adjacent coastal areas;

“coastal fisheries management plan” means a fishery management plan adopted under section 5(3) of the Act for designated coastal fishery;

“coastal marine resources” means all marine organisms that occur within the coastal waters of Kiribati;

“coastal waters” means the internal waters, archipelagic waters and the territorial sea of Kiribati as defined in the Marine Zones (Declaration) Act 2011;

“commercial purpose” means a purpose relating primarily to the derivation of financial gain or reward.

“community-based fisheries management” means a co-management system under which community takes a leading role in managing fisheries in adjacent coastal areas in partnership with or with support from a promoting agency.

“community-based fisheries management plan” means an arrangement between the Minister and a coastal community for the adoption of conservation and management measures regarding certain fisheries in which the community takes a leading role.

“coral” means all species of coralline and stony corals whether live or dead; including black corals and soft corals and processed corals in all forms;

“designated coastal fishery” means a fishery targeting coastal marine resources that has been designated under section 5 of the Act.

“Director” means the Director of Coastal Fisheries.

“fish aggregating device” or “FAD” has the same meaning as in the Act;

“fish” has the same meaning as in the Act;

“fishing” has the same meaning as in the Act;

“local fishing vessel” has the same meaning as in the Act;

“Minister” means the Minister in charge of fisheries;

"Reserved fishing zone" means an area in the sea that is closed off for conservation and protection of marine lives driven by the coastal communities and the Minister.

"tag" means a device attached to a turtle with record, code written on it.

"undersize" means below or less than the minimum size required for each respective species stipulated under Schedule 1;

"vessel" has the same meaning as in the Act.

PART II - COMMUNITY-BASED FISHERIES MANAGEMENT PLAN

4. Preparation and Approval Conditions

(1) Without prejudice to the provisions of section 5 of the Act, the Director may cause to be prepared a community-based fisheries management plan for the conservation, management and protection of coastal marine resources, upon request of a coastal community or on his or her own initiative.

(2) A community-based fisheries management plan is to be submitted to the Minister and shall come into operation on approval by the Minister in writing.

(3) Approval of a community-based fisheries management plan is subject to the following conditions:

(a) that the community adjacent to the waters that are likely to be affected by the plan participated in preparing the plan;

(b) that the community involved is established and recognised under the Incorporated Societies Act 2002 as a coastal community;

(c) that the relevant island council has been notified the establishment of the coastal community and the intention to prepare a community-based fisheries management plan; and

(d) that the coastal community and the island council have endorsed the plan.

(4) Appropriate public notice shall be given of an approved community-based fisheries management plan. In particular:

(a) the Director will maintain a public register of approved community-based fisheries management plans;

(b) the coastal community will provide a copy of the approved plan to the relevant Island Council; and

(c) the coastal community will take appropriate measures to raise public awareness of the plan and the area to which it applies.

5. Content

(1) A community-based fisheries management plan must at least:

- (a) identify the community taking a leadership role in developing the plan;
- (b) identify the area to which the plan applies;
- (c) indicate the general and specific objectives of the plan;
- (d) specify the conservation and management measures to achieve those objectives;
- (e) prepare a programme for the implementation, monitoring and evaluation of the plan;
- (f) identify arrangements for surveillance and enforcement purposes.

(2) The plan shall be revised every five (5) years or when the Minister considers necessary, upon the advice of the Director and of the community involved. Any amendments to the plan shall be endorsed by the community involved and approved by the Minister in writing.

6. Breach of plan

A person who contravenes any provision of a duly approved community-based fisheries management plan commits an offence and is liable upon conviction to a fine not exceeding \$100,000.00 and in default imprisonment for a period not exceeding 5 years or both.

PART III - CONSERVATION AND MANAGEMENT MEASURES

7. Prohibited Fishing Methods and Gears

(1) In addition to the destructive fishing methods prohibited under section 21(1)(a) of the Act, and pursuant to subsection 21(2) of the Act, the following fishing methods and gears are hereby prohibited:

- (a) splash fishing 'te ororo, te katangbeero or te orobeero';
- (b) encircling of submerged coral reef using gillnet 'te boorakai';
- (c) beach seine 'te kauaaki/katikitiki karaun';
- (d) use of gillnet and mesh wire as a fence/trap or fish trap ('temaa bono');
- (e) use of gillnet with size as follows:
 - (i) exceeding 100 meters (m) in length for one net or when adjoined; or/and
 - (ii) stretched mesh size less than 63.5 millimetres;
- (f) use of cast net ('kainikare') to harvest fish other than the goldspot herring ('tarabuti');

(g) use of gaff to fish turtle;

(h) use of crowbar or any other objects to destroy and remove corals ('te rai atibu');

(i) use of SCUBA and hookah gear, except when used to harvest aquarium fish for export and research purposes;

(j) dredging and trawling;

(k) fishing using any remote control device;

(l) spearfishing at night using any torch, spotlight or light except for subsistence fishing purposes.

(2) A person who permit to be used, use or attempt to use the fishing methods or gears prohibited under sub regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$10,000.00 and in default imprisonment for a period not exceeding 2.5 months or both.

8. Use of an anchored fish aggregating device in coastal waters

(1) No person shall:

(a) tamper with, cut or remove any FAD material from an AFAD deployed in Kiribati coastal waters;

(b) tie a vessel to an AFAD deployed in Kiribati coastal waters for the purpose of fishing.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$10,000.00 and in default imprisonment for a period not exceeding 2 years or both.

9. Size Limits for certain species

(1) No person shall fish, sell, export, purchase, receive or have in his or her possession, offer or buy for sale or consignment to another person for the purpose of export or sale, any fish below the minimum size specified in Schedule 1 for the respective species.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1,000.00 and in default 2 months imprisonment or both.

10. Instructions to measure fish and fishing gears

For the purpose of these Regulations, any fish and fishing gear shall be measured in accordance with the instructions provided under Schedule 2.

11. Special Protection of Giant Clam (*Tridacna gigas*, 'te kima')

(1) A person must not:

(a) fish for giant clam (*Tridacna gigas*, 'te kima') in Kiribati waters, or

(b) sell or offer to sell, purchase, possess or receive, or export giant clam (*Tridacna gigas*, 'te kima') shell, meat or products.

(2) A person who contravenes sub regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$100,00.00 and in default imprisonment for a period not exceeding 5 years or both.

12. Special Restrictions for specific species

(1) A person must not, receive or have in his or her possession, buy, sell, offer for sale or consignment to another person for the purpose of sale, or export any rock lobster or mantis shrimp female bearing its eggs.

(2) A person must not:

(i) disturb, take, receive or have in his or her possession, purchase, sell any turtle species eggs found in Kiribati (green turtle, hawksbill, leatherback, olive ridley and logger head);

(ii) interfere with any turtle nest;

(iii) harvest turtles while on the beach;

(iv) sell, purchase or export any turtle meat or shell; or

(v) fish for tagged turtle.

(3) A person must not export clam, (*Tridacna maxima* "te were", *Tridacna squamosa*, "te batua" *Hippopus hippopus*, *te neitoro*) shell, meat or product for any purpose other than personal consumption, which must not be more than 2 kilogramme (kg) per person.

(4) A person must not export ark shell (*Anadara antiquata*, 'te bun') shell, meat or products for any purpose other than personal consumption, which shall not be more than 5 kilogrammes (kg) of shell meat per person.

(5) A person must not export spider conch (*Lambis lambis*, 'te ang') shell, meat or products for any purpose other than personal consumption, which shall not be more than 10 pieces per person per trip.

(6) A person must not:

(i) take, have in his or her possession, purchase or sell, export;

(ii) use to produce lime or other products; or

(iii) damage or destroy

any form of coral specified in Schedule 1.

(7) A person who contravenes sub-regulations (1), (2), (3), (4), (5) or (6) commits an offence and is liable on conviction to a fine not exceeding \$10,000, and in default imprisonment for a period not exceeding 2 years or both.

13. Seasonal and Area Closure

(1) A person must not fish for any of the species listed in Schedule 1 during the respective closed season or at the specified closed areas.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding \$ 5,000.00 and in default imprisonment for a period not exceeding 6 months or both.

PART IV - LICENCES AND PERMITS

14. Reserved Fishing Zone

(1) Fishing for commercial purposes in Kiribati coastal waters shall be reserved for local fishing vessels in accordance with the Act and these Regulations.

(2) Nothing in sub-regulation (1) shall be construed as affecting existing fishing rights under any treaty or other agreement to which Kiribati is a party.

(3) Recreational fishing in Kiribati coastal waters is regulated in accordance with section 14B of the Act.

(4) Fishing for scientific purposes in Kiribati coastal waters is regulated in accordance with section 16 of the Act.

15. Fishing Licence for designated coastal fisheries

(1) A person must not fish in a designated coastal fishery for commercial purposes without a licence.

(2) A person may apply to the Director in the prescribed form for a licence to fish in a designated coastal fishery for commercial purposes.

(3) Without prejudice to the provisions of section 18 of the Act, the Director may, with the approval of the Minister and after consultation with the relevant Island Council, grant a licence in the prescribed form for a maximum duration of one (1) year.

(4) The licence is not transferable and is subject to:

(a) payment of the prescribed fee; and

(b) the conditions mentioned in section 9 of the Act; and

(c) the provisions of relevant bye-laws applicable to the designated coastal fisheries.

(5) A person who fishes in any designated coastal fishery for commercial purposes without a licence or breaches any condition of such licence commits an offence and is liable upon conviction to a fine not exceeding \$ 100,000 and in default imprisonment for 2 years.

(6) The provisions of section 10 of the Act on the refusal, suspension and cancellation of a licence are applicable.

16. Trade Permit for designated coastal fisheries

(1) A person must not export or trade in a designated coastal fishery for commercial purposes without a permit.

(2) A person may apply to the Director for a permit to export or trade in a designated coastal fishery.

(3) Without prejudice to the provisions of section 14C of the Act, the Director may, with the approval of the Minister, grant a permit in the prescribed form.

(4) The permit is not transferable and is subject to:

(a) payment of the prescribed fee; and

(b) conditions mentioned in section 9 of the Act; and

(c) other conditions that the Director may impose.

(4) A person who exports or trades in a designated coastal fisheries without a permit or breach any condition of such permit commits an offence and is liable on conviction to a fine not exceeding \$100,000. and in default imprisonment for a period not exceeding 7 month or both.

(5) A person who contravenes any provision of a duly approved coastal fishery management plan for any designated fishery commits an offence and is liable to a fine not exceeding \$100,000 and in default imprisonment for a period not exceeding or both.

PART V - COASTAL FISHERIES RECORDS

17. Record of Licensed Vessels

(1) Without prejudice to section 15A of the Act, the Director shall keep a record of all vessels, that are licensed under these Regulations.

(2) The record of vessels licensed to fish in designated coastal fisheries shall contain at least the following information:

(a) name of vessel, previous name (if known), registration number and port of registry (if any);

- (b) name and address of owner or owners;
- (c) name and nationality of master or operator;
- (d) colour photograph of vessel;
- (e) location and date of vessel manufacture;
- (f) type of vessel;
- (g) normal crew complement;
- (h) type of fishing method or methods and species targeted;
- (i) length of overall and length between the perpendiculars;
- (j) moulded depth;
- (k) beam;
- (l) gross register tonnage;
- (m) the nature of the licence to fish and of the export or trade permit granted;
- (n) carrying capacity, including freezer type, capacity and number of fish hold capacity;
- (o) any inspections performed on the vessel and their outcome;
- (p) any offences committed or penalties served, including the suspension, cancellation or revocation of the licence.

(3) The owner or operator of any vessel to which these Regulations apply who intends to fish, export or trade in a designated coastal fishery shall provide the Director with the information required in sub-regulation (2) above.

(4) The Director may require further information to be provided, as she/he considers necessary.

(5) The owner or operator of any vessel who provides incomplete, false, inaccurate or misleading information under this regulation is liable upon conviction to a fine not exceeding \$1,000.00 and in default imprisonment for a period not exceeding 7 months or both.

18. Record of Offences

(1) The Director shall keep a record of offences to these Regulations as well as to the provisions of the Act related to coastal fisheries.

(2) The record of offences shall contain at least the following information:

- (i) the name and details of the offender;

- (ii) the offence committed;
- (iii) the location where the offence was committed;
- (iv) the penalties served.

(3) The Director may include additional information in the record, as s/he deems fit.

PART VI - OFFENCES

19. General Offences and Penalty

(1) A person who commits an offence against these Regulations for which no other penalty is provided is liable to:

- (a) in the case of a body corporate - a fine not exceeding \$250.00 and imprisonment for a period not exceeding 3 month;
- (b) in the case of a natural person engaged in fishing for commercial purposes - a fine not exceeding \$100.00 and imprisonment for a period not exceeding 2 months; or
- (c) in case of a local fisher engaged in subsistence fishing - a spot fine not exceeding \$50.00 to be paid within 10 working days and, in default of payment, imprisonment for a period not exceeding 1 month.

(2) If the offender is operating under a licence or permit issued under these Regulations, the licence or permit shall be revoked.

20. Forfeiture of Gear and Catch

(1) In accordance with section 29 of the Act, if a person is convicted of an offence under the provisions of these Regulations, any vessel, together with its equipment, catch, stores, cargo and fuel, used in the commission of the offence, or in relation to which the offence was committed, must be forfeited to the Republic or to the Island Council or as decided by the court.

(2) Subject to sub-regulation (1), if a person is convicted of an offence against the provisions of these Regulations the court may forfeit:

- (a) any fish caught or fish product produced in the commission of the offence;
- (b) any fishing gear, instruments or appliances used in the commission of the offence.

(3) The proceeds from the sale of any fish caught, fish products or other perishables in nature are liable to forfeiture in the same manner as in sub-regulation (1).

PART VII - MISCELLANEOUS

21. Court may order payment of reward

(1) Where a person is convicted of an offence under these Regulations, in addition to any other penalty imposed, the court may order that person to pay the sum not exceeding \$50.00 to be paid to any person or persons who the court considers has assisted in the reporting, investigation or prosecution of an offence.

(2) Payment of any sum ordered to be paid as a reward under sub-regulation (1) may be enforced in the same manner as in the case of the payment of fine.

22. Penalty Notice Offence

A penalty notice may be served for an offence against these Regulations pursuant to the requirement set out under the Act.

23. Repeal

The Fisheries Conservation and Protection (Rock Lobster - *Panulirus* Species) Regulations 1979 is repealed.

24. Amendments to Schedules

The Minister may, on the recommendation of the Director by notice to be published at the Office of the Beretitenti, amend any Schedule made under these Regulations.

SCHEDULE 1

Minimum size limits and closures

(Regulations 9 and 13)

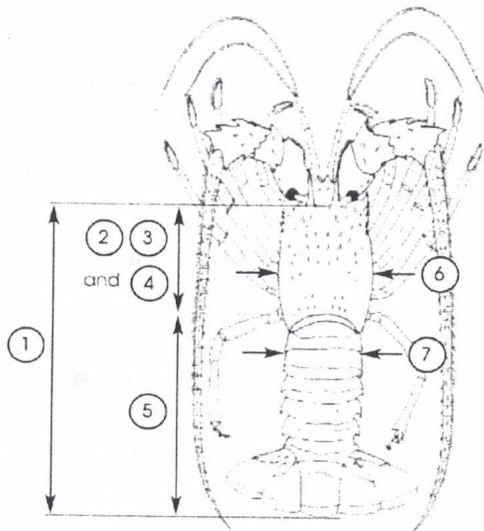
English and Scientific names	Local name	Size limits	Closures
1. FINFISH			
Albulidae (bonefish)			
Bonefish (<i>Albula glossodonta</i>)	Ikarii	Minimum fork length 30 cm	Three (3) days before and three (3) days after full moon
Gerreidae (mojaras)			
Silver biddy (<i>Gerres sp.</i>)	Ninimai	Minimum fork length 15cm	Director to declare closed season
Labridae (wrasses)			
Napoleon Humphead wrasse (<i>Cheilinus undulates</i>)	Karon	Minimum total length 65 cm measured from tip of snout to end of tail	Director to declare closed season
Lethrinidae (emperors or scavengers)			
Spangled emperor (<i>Lethrinus nebulosus</i>)	Morikoi	Minimum fork length 55 cm	Director to declare closed season
Lutjanidae (snappers)			
Humpback Red snapper (<i>Lutjanus gibbus</i>)	Ikanibong	Minimum fork length 25 cm	Director to declare closed season
Red-margined sea perch (<i>L. fulva</i>)	Bwawe	Minimum fork length 25 cm	Director to declare closed season
Yellow-blue sea perch (<i>L. kasmira</i>)	Takabe	Minimum fork length 15 cm	Director to declare closed season
Mugilidae (mullet)			
Mullet (<i>Crenimugil crenilabis</i>)	Aua	Minimum fork length 35 cm	Director to declare closed season
Mullidae (goatfish)			

Goatfish (<i>Upeneus taeniopterus</i>)	Maebo	Minimum fork length 20 cm	Three (3) days before and three (3) days after new moon
Exocoetidae (flying fish)			
Flying fish (<i>Cypselurus suttoni</i>)	Onauti	Minimum fork length 20 cm	Three (3) days before and three (3) days after new moon
2. INVERTEBRATES			
Bivalves (ark, clams)			
Ark shell <i>Anadara sp.</i>	Te bun	Minimum size 4 cm	Director to declare closed season and areas.
Clam (<i>Tridacna maxima</i>)	Were	Minimum size 15 cm	Director to declare closed season and areas.
Clam (<i>Tridacna squamosa</i>)	Were	Minimum size 20 cm	Director to declare closed season and areas.
Giant clam (<i>Tridacna gigas</i>)	Kima	Total ban	Special protection warranted
Crustaceans			
Rock lobster (<i>Panulirus sp</i>)	Nnewe	Minimum carapace length 8.5cm from front edge of carapace to rear edge of carapace	Director to declare closed season
Mantis shrimp <i>Lysiosquilla maculate</i>	Waro	Minimum size 18cm measured from eye to start of caudal fin	Director to declare closed season
3. SEA TURTLES			
Green Turtle (<i>Chelonia mydas</i>)	Te On	Minimum carapace length 86cm	Director to declare closed season
Hawksbill Turtle (<i>Eretmochelys imbricate</i>) (not fit for consumption)	On-tabwakea	Minimum carapace length 68cm	Director to declare closed season

SCHEDULE 2

Instructions to measure fish and fishing nets

(Regulation 10)



1. from the front edge of the carapace to the rear edge of the telson
2. carapace length
3. from the midline behind the rostral horns to the rear edge of the carapace
4. from the base of the supra orbital spines to the end of the cephalothorax
5. tail length
6. carapace width
7. tail width between the lateral notches of the first tail segment

Fig. 1 Rock Lobster carapace length

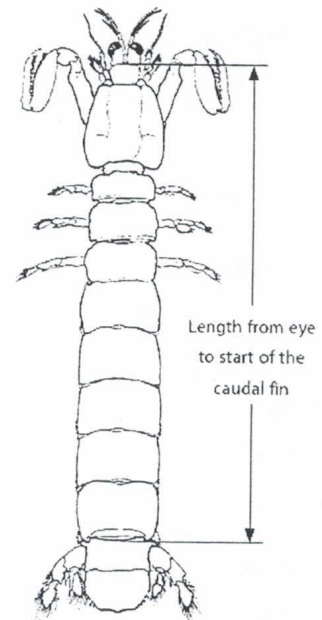
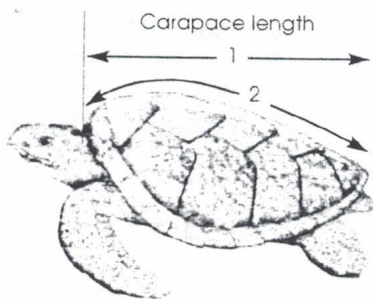


Fig. 2 Mantis shrimp



- 1: measured in a straight line
- 2: measured along the curve of the carapace

Fig. 3 Turtle carapace length

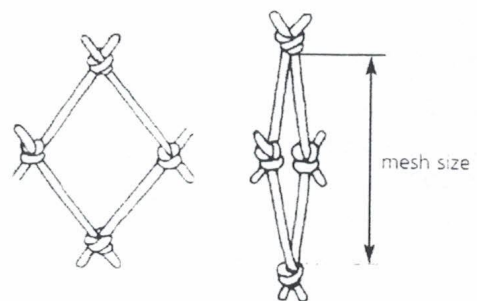
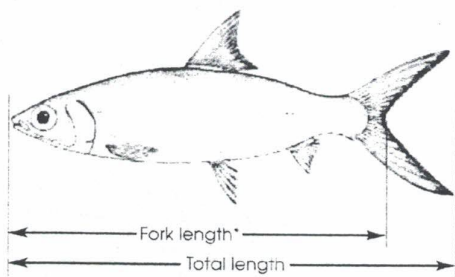


Fig. 4 Stretched mesh size



* or, measure taken at the middle of the tail

Fig. 5 Finfish fork and total length

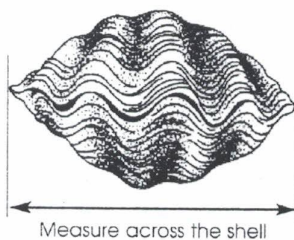


Fig. 6 Bivalve total length

Dated this day of , 2019


Taneti Mamau
Beretitenti

Published by exhibition at the Public Office of the Beretitenti this _____ day of
_____, 2019.

Naomi Biribo
Secretary to Cabinet