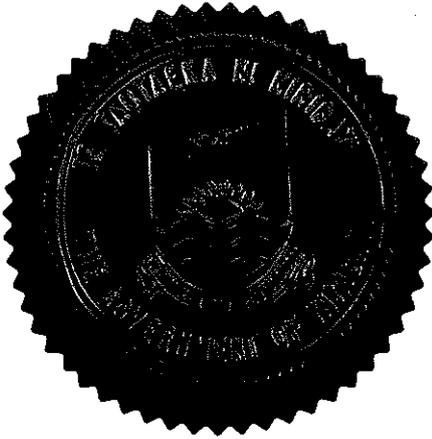


REPUBLIC OF KIRIBATI  
(No. 1 of 2015)



I assent,

*Audō Tung*  
Beretitenti  
2015

An Act  
entitled

**AN ACT TO AMEND THE FISHERIES ACT 2010**

Commencement: .....

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti -

**Short title**

1. This Act may be cited as the **Fisheries (Amendment) Act 2015**.

**Amendment of section 2**

2. Section 2 of the *Fisheries Act 2010* (the "principal Act") is amended by repealing it and substituting the following:-

**"2 Purpose and application of the Act**

(1) The purpose of this Act is:

- (a) to promote the sustainable management of the fisheries of Kiribati and the development and use of fisheries resources for the benefit of Kiribati, including the recovery of fees that reflect the value of the resource; and
- (b) to protect fish stocks and the marine environment of Kiribati.

- (2) Unless the contrary intention appears, this Act applies to-
- (a) all fishing and related activities and any other matter falling within the scope of this Act;
  - (b) all persons, vessels, vehicles, aircraft, export or import facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act;
  - (c) all persons (including non-citizens of Kiribati), and to all vessels (including foreign fishing vessels) -
    - (i) in and in relation to Kiribati waters; and
    - (ii) in and in relation to any other waters-
      - (A) following hot pursuit conducted in accordance with international law; or
      - (B) as required by this Act or permitted by international law or a scheduled treaty; and
  - (d) all Kiribati fishing vessels and to all persons on them or dealing with or having any relationship to them or persons on them, in and in relation to any waters.
- (3) This Act has extra-territorial application according to its provisions and tenor.
- (4) The provisions of this Act concerning the application of conservation and management measures adopted by a regional fisheries management organisation or arrangement to which Kiribati is a member do not apply to the internal waters, archipelagic waters and territorial sea of Kiribati as defined under the Marine Zones (Declaration) Act 2011 unless Kiribati expressly consented to their application."

### **Amendments of section 3**

3. Section 3 of the principal Act is amended by:
- (a) inserting before the definition of "authorised officer" the definition of "aquaculture" as follows:
 

"aquaculture" means the cultivation, propagation or farming of aquatic organisms, whether from eggs, spawn, spat or seed, including rearing aquatic organism lawfully taken from the wild or imported into Kiribati and the culture of coral whether living or non-living, or by other similar process, for the purposes of trade or business or research, but does not

include an activity or operation declared by the Minister not to be aquaculture;

- (b) insert in the definition of "authorised officer" the words "verification officer" between "licensing officer" and "police officer;"
- (c) inserting after the definition of "fish" the definition of "fish aggregating device" as follows:

"fish aggregating device" means an object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with;

- (d) inserting a definition of "fishing gear" as follows:

"fishing gear" means any equipment, implement, or other thing that can be used in the act of fishing, including any fishing net, rope, line, float, trap, hook, device, machine, winch, vessel, vehicle or aircraft but does not include navigational equipment;

- (e) repealing the definition of "foreign fishing vessel" and substituting the following:-

"foreign fishing vessel" means a fishing vessel that is not a Kiribati fishing vessel;

- (f) inserting the following definition of "insurance cover" before the definition of "Kiribati waters":

"insurance cover" means cover for:

- (a) personal injury;
- (b) loss of life;
- (c) loss of equipment and personal effects;
- (d) medical coverage, including medical evacuation if required;
- (e) repatriation costs if required; and
- (f) losses arising from the action, inaction or activity of the authorised observer whilst on board or in the service of the vessel;

- (g) inserting the definition of "Kiribati fishing vessel" before the definition of "Kiribati waters":

"Kiribati fishing vessel" means a fishing vessel which is registered under the *Merchant Shipping Act 1983* or is entitled to fly the flag of Kiribati;

- (h) inserting the following definition of "net sharing" after the definition of "nautical mile":

"net sharing" means the transfer of any fish from any vessel to any vessel belonging to the same owner in the last set of a fishing trip provided that such transfer is authorised by the Director and in accordance with any conditions required in writing by the Director or prescribed by regulations;

- (i) inserting the following definition after the definition of "operator":

"owner" in relation to a vessel means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner, whether on his own behalf or on behalf of another, and includes a person who owns the vessel jointly with any other person or persons and any manager, director or secretary of any corporate body or company that holds an ownership interest in the vessel;

"recreational fishing" means fishing done for leisure, including game and sport purposes, with or without regard to earnings, gain or profit;

- (j) inserting the following definition of "related activities" before the definition of "scheduled treaty":

"related activities" in relation to fishing means:

- (a) refueling, provisioning or supplying or crewing of fishing vessels;
- (b) selling or supplying fishing gear;
- (c) performing other activities in support of fishing including net sharing or research;
- (d) storing, buying or processing fish or fish products from the time they are first landed; or

- (e) storing, buying, transshipping, processing or transporting fish or fish products taken from Kiribati waters up to the time such fish or fish products are first landed;
- (k) inserting the definition of "seafood" after the definition of "related activities."

"sea food" means edible fish or shellfish;

- (l) inserting the following definitions of after the definition of "territorial sea;"

"transshipment" means the transfer of any or all of the fish on board a vessel onto another vessel, either directly or by off-loading the fish from the vessel onto the shore and thence immediately onto another vessel, for the purposes of transporting that fish elsewhere and does not include net sharing;

"vehicle" means any car, truck, van, bus, trailer or other powered land conveyance;

"vessel" means any boat, ship, hovercraft or other water-going craft which is used for or equipped to be used for or of a type normally used for fishing or related activities.

#### **Amendment of section 4**

4 Section 4 of the principal Act is amended by repealing it and substituting the following:-

"4 (1) The Minister is responsible for the management, conservation and development of all fisheries within the jurisdiction of Kiribati to ensure that the fisheries resources of Kiribati are managed for the benefit of I-Kiribati.

(2) The Minister, as appropriate, when performing functions or exercising powers under this Act, must adopt measures and principles relating to conservation and management of fishery and fishery resources prevailing or in force from time to time.

(3) Subject to section 99 of the Constitution, the Minister may appoint a Director of Fisheries and any other fisheries officers and licensing officers the Minister considers necessary of this Act."

#### **Amendment of section 7**

5. Section 7 of the principal Act is amended at subsection (3) by repealing the word "paragraph" and substituting the word "subsection".

#### **Amendment of section 8**

6. Section 8 of the principal Act is amended by repealing it and substituting the following:-

#### **"8. Unlicensed foreign fishing vessels**

- (1) This section applies to a foreign vessel which is used for, equipped to be used for or of a type that is normally used for fishing or related activities for which there is no current licence granted under section 12.
- (2) The vessel:
  - (a) may enter in Kiribati waters only for a purpose recognised under international law; and
  - (b) must not fish or attempt to fish in Kiribati waters; and
  - (c) must not load, unload or tranship any fish in Kiribati waters; and
  - (d) must not load or unload any fuel or supplies in Kiribati waters; and
  - (e) must not engage or attempt to engage in any act in support of or in preparation for any of the activities identified in subsection (2)(b),( 2)(c) and (2)(d).
- (3) The master of the vessel must:
  - (a) maintain in the English language on board the vessel a ship's log book in which the master must enter daily a record of the date, time and nature of every activity of the vessel while inside Kiribati waters;
  - (b) return the vessel outside Kiribati waters as soon as the purpose has been fulfilled.

- (4) Upon entry, while inside, and upon leaving Kiribati waters, the master of the vessel must report the vessel name, International Radio Call Sign, flag registration, the date and time, position (to 1 minute of arc), complement, intended purpose in the Kiribati waters, catch on board, and such other information, to the Director of Fisheries in the manner prescribed;
- (5) While the vessel is in Kiribati waters, its fishing gear must be stowed in a way that ensures it is not readily accessible or fishing.
- (6) If the vessel is used in contravention of this section:
  - (a) the fishing master and the master of the vessel are each liable on conviction:
    - (i) for a contravention of subsection (2) to a fine of not less than \$50 000 but not more than \$1 000 000 and in default, to imprisonment for 10 years; or
    - (ii) for a contravention of subsection (3)(a), (3)(c) or (4) – to a fine of \$250 000 and in default, to imprisonment for 3 years;
  - (b) the owner and charterer of the vessel are each liable on conviction:
    - (i) for a contravention of subsection(2) to a fine of not less than \$100,000 but not more than \$1,000,000 and in default, to imprisonment for 10 years;
    - (ii) for a contravention of subsection (3) (c) or (4) – to a fine of \$500,000 and in default, to imprisonment for 5 years.
- (7) If the master of a vessel refuses or otherwise fails to report the information described in subsections (3)(b), (4), (5), there shall be a refutable presumption that all fish found on board such vessel have been caught within Kiribati waters in violation of this Act.
- (8) The Director of Fisheries shall work cooperatively with other agencies in the implementation of subsections (3), (4), (5) and may in consultation with such agencies issue appropriate notices."

#### **Amendment of section 9**

7. Section 9 of the principal Act is amended by inserting after the phrase "A licence or authorisation under this Act," the following:-

"is valid for the period of time endorsed on it unless suspended or cancelled under section 10,"

#### **Amendment of section 11**

8. Section 11 of the principal Act is amended at subsection 3(c) by renumbering the existing (iv) as (v) and inserting a new (iv) as follows:-

" (iv) the registration of the fishing vessel on the Local Fishing Vessel Register in the manner specified by the Director of Fisheries or as prescribed;"

#### **Amendment of section 12**

10. Section 12 of the principal Act is amended as follows:-

(a) at subsection (2), by inserting a new subsection 2A as follows:-

"(2A)The Director of Fisheries may, as a condition of granting a licence for a foreign fishing vessel to fish inside Kiribati waters, prohibit a vessel from doing any of the following:

- (a) fish on specific high seas areas; or
- (b) load, unload or tranship fish outside Kiribati waters; or
- (c) load or unload fuel or supplies outside Kiribati waters; or
- (d) use specific fishing gear or equipment outside Kiribati waters."

(b)at subsection (3) by inserting a new paragraph (c) as follows:-

"(c) compliance by the operator with the requirements, relating to the activities and practices of fishing vessels, of each scheduled treaty, whether operating inside or outside Kiribati waters."

#### **Insertion of new sections 14A and 14B**

11. Part 5 of the principal Act is further amended by inserting new sections 14A and 14B as follows:

##### **"14A. General prohibitions**

(1) A person shall not engage in fishing or related activity in:

- (a) a government owned or operated aquaculture pond;
- (b) a marine protected area or reserve established under this Act or other laws;
- (c) an area within Kiribati waters designated as a prohibited area by the Minister by notice in the *Gazette*.

- (2) A person who contravenes subsection (1)(a) commits an offence and shall be liable to a fine not exceeding \$5,000 or to imprisonment for 6 months, or to both such fine and imprisonment.
- (3) A person who contravenes subsections (1)(b) or (1)(c) commits an offence and shall be liable to a fine of \$50,000 or to imprisonment for 2 years, or to both such fine and imprisonment."

**"14B. Recreational fishing**

- (1) No person shall engage in recreational fishing except with a licence granted under this section.
- (2) A person may apply to the Director of Fisheries in the prescribed form for a licence for recreational fishing.
- (3) The Director of Fisheries may, with the approval of the Minister, grant a recreational fishing licence in the prescribed form. A licence shall be valid for the period of time endorsed on such licence, is personal to the holder and shall not be transferable.
- (4) The recreational fishing licence is subject to:
  - (a) Payment of the prescribed fees; and
  - (b) Compliance with the conditions in section 9.
- (5) A person who engages in sport or recreational fishing without a licence issued under this section, or not in accordance with the conditions of licence, is liable on conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding 3 years."

**Insertion of new Part 5A**

12. A new Part 5A is inserted as follows:-

## "PART 5A Export

14C. (1) In addition to the responsibilities of the Minister under section 4, the Minister is also responsible for regulating the export of all sea foods from Kiribati.

(2) In exercising the powers under subsection (1) the Minister may establish a competent authority to regulate, control, supervise and monitor the fish processing establishments operated under this Act, or under any other laws.

(3) The Minister may prescribe by regulations anything that needs to be prescribed under subsections (1) and (2).

### Insertion of Section 15A

13. Part 6 of the principal Act is amended by inserting a new section 15A as follows:-

#### "15A. Record of Fishing Vessels -

- (1) The Director of Fisheries shall cause to be maintained a record of all fishing vessels entitled to fly the flag of Kiribati that are licensed or authorised under this Act.
- (2) The record of fishing vessels shall contain the following information:
  - (a) name of fishing vessel, registration number, previous names (if known), and port of registry;
  - (b) name and address of owner or owners;
  - (c) name and nationality of master;
  - (d) previous flag (if any);
  - (e) international radio call sign;
  - (f) vessel communication types and numbers (INMARSAT A, B, C and D numbers and satellite telephone number);
  - (g) colour photograph of vessel;
  - (h) location and date of vessel manufacture;
  - (i) type of vessel;
  - (j) normal crew complement;
  - (k) type of fishing method or methods;
  - (l) length overall and length between the perpendiculars;
  - (m) moulded depth;
  - (n) beam;
  - (o) gross register tonnage;
  - (p) power of main engine or engines;
  - (q) the nature of the authorisation to fish granted by Kiribati;

- (r) carrying capacity, including freezer type, capacity and number and fish hold capacity.
- (3) The Director may additionally require further information to be provided if such information is necessary in order to fulfill any obligations arising out of measures adopted by regional or sub-regional fisheries management organisations to which Kiribati is a member.
- (4) The Director may cause to be provided to any relevant regional or sub-regional fisheries management organisation such information on the record of fishing vessels, additions to the record, deletions from the record, the withdrawal of any authorisation to fish, information that a vessel is no longer entitled to fly the flag of Kiribati.
- (5) The owner or operator of any Kiribati fishing vessel to which this Act applies which intends to fish, or undertakes fishing in waters outside Kiribati waters shall provide to the Director the information required in subsection (2) above.
- (6) The owner or operator of any Kiribati fishing vessel who provides false, inaccurate or misleading information under this section is liable on conviction to a fine of \$10,000.

#### **Amendments of section 22**

14. Section 22 of the principal Act is amended:-

(a) by repealing subsection (1) and substituting the following:-

"(1)The Director of Fisheries may designate in writing persons to act as observers on any vessel that is subject to a licence or authorisation under this Act and may be authorised to carry out his or her duties outside Kiribati waters in accordance with a scheduled treaty and international law;"

(b) in subsection 5(a) by inserting the words "and remain" before the word "vessel" and after the word "board;"

(c) in subsection 5(b) by inserting a new item (v) as follows:-

"(v)reasonable access to and use of the vessels communications equipment."

(d) in subsection 5(c) by inserting the following at the end of the subsection after the word "information" these words, "relating to fisheries in Kiribati waters or other areas as may be authorised by licence or agreement; and".

#### **Insertion of the new section 23A**

15. Part 8 of the principal Act is amended by inserting a new section 23A as follows:-

##### **"23A Powers of authorised officers outside Kiribati waters.**

(1) An authorised officer may exercise any of the powers under the Act outside Kiribati waters in respect of any fishing vessel or any person on board any such vessel and relating to fisheries inspection, compliance or enforcement provided that the exercise of those powers is authorised by an organisation, arrangement, agreement or scheduled treaty relating to conservation and management measures to which Kiribati is a party.

(2) In exercising her or his powers outside Kiribati waters, an authorised officer shall comply with the procedures and requirements under such agreement or scheduled treaty or conservation and management measure implemented by any organisation or arrangement to which Kiribati is a party."

#### **Amendment of section 24**

16. Section 24 of the principal Act is amended by inserting a new subsection (3) as follows:-

"(3) An authorised officer may exercise the powers conferred by this Act in relation to a vessel or person on board such vessel to which an agreement or scheduled treaty applies outside Kiribati waters in accordance with section 23A."

#### **Amendment of section 25**

17. Section 25 of the principal Act is amended by repealing it and substituting the following:-

**"25 Authorised officers and observers to declare office etc.**

An authorised officer or observer acting in the exercise of his or her powers under this Act must, on demand, produce any document of identification or other evidence that may be reasonably sufficient to show that he or she is an authorised officer or observer. "

#### **Amendments of section 27**

18. Section 27(1) of the principal Act is amended by:-

- (a) deleting the word "foreign" in the first line;
- (b) inserting a new subsection 27 (3) (h) as follows:-

"(h) resist lawful arrest for any act prohibited under this Act"

- (c) inserting new subsections (3A) and (3B) after subsection (3) as follows:

"(3A) A person must not cause an authorised officer or observer to disembark outside the territory or jurisdiction of Kiribati without having obtained prior consent from the Director of Fisheries.

(3B) A person who is a master, owner, charterer, or agent of a fishing vessel that transports an authorised officer or observer outside Kiribati waters and, without having obtained prior consent from the Director of Fisheries, causes him or her to disembark outside the territory or jurisdiction of Kiribati, shall be jointly and severally be liable to a fine of \$10,000 plus all costs of repatriation including board and lodging while out of Kiribati and direct transportation to Kiribati.

- (d) in subsection (4) by inserting at the beginning the following words:-

"Notwithstanding subsections (3A) and (3B)",

#### **Insertion of sections 28A and 28B**

19. Part 9 of the principal Act is amended by inserting the new section 28A and 28B as follows:-

**"28A Activities contrary to the laws of another State**

(1) No person shall, within Kiribati or in Kiribati waters, on their own account or any other capacity -

- (a) cause or permit a person acting on his or her behalf; or
- (b) use or permit a vessel to engage in fishing or related activity,

to take or to import, export, land, transport, sell, receive, acquire, buy any fish or fish product taken, possessed, transported or sold in contravention of any law or regulation of another State.

(2) This section does not apply to fish taken on the high seas contrary to the law of another State where Kiribati does not recognise the jurisdiction of that State over those fish.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$500,000.

(4) Where an agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State upon conviction or other process pursuant to subsection (1), such remittance shall be made after all costs and expenses incurred by Kiribati have been deducted."

**"28B. Absolute liability -**

In any prosecution for any offence against this Act it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence."

**Amendments of section 31**

20. Section 31 of the principal Act is amended by repealing it and substituting the following:-

**"31 Jurisdiction**

- (1) An offence against this Act committed in Kiribati waters may be dealt with, and judicial proceedings taken, as if the offence had been committed in any place in Kiribati.

- (2) Where any person commits an offence against an authorised officer or observer lawfully exercising any powers conferred under this Act outside Kiribati waters, in accordance with the right of hot pursuit conducted in accordance with international law, a scheduled treaty, or agreement to which Kiribati is a party, the exercise of those powers or the commission of that offence, shall be deemed to have been committed in Kiribati waters and may be dealt with, and judicial proceedings taken, as if the offence had been committed in any place in Kiribati."

#### **Insertion of section 39A**

21. Part 11 of the principal Act is amended by inserting a new section 39A as follows:-

#### **"39A Confidentiality of information -**

- (1) A person carrying out duties or responsibilities under this Act, shall not unless authorised in accordance with this Act, reveal information or other data of a confidential nature acquired by virtue of their said authority, duties and responsibilities to any person not having such authority or carrying out such duties and responsibilities.
- (2) The Minister, on the advice of the Cabinet, may designate any information as confidential, and in doing so may also exempt general summaries of aggregated information from confidential requirements.
- (3) The Minister, on the advice of Cabinet, may authorise in writing any person to -
- (a) receive or access confidential information; or
  - (b) access or restrict access to such premises holding confidential information as he or she may designate.
- (4) Notwithstanding subsection (2) the following information shall be confidential -
- (a) any information or data of a commercial nature provided in records, returns, or other documents required under this Act;

- (b) any information or other data supplied by an observer device, designated machine or equipment used for vessel monitoring purposes in accordance with this Act;
  - (c) such other information or data as may be prescribed.
- (5) Information may be disclosed to the extent -
  - (a) that disclosure is authorised or required under this Act or any other law;
  - (b) that the person providing the information authorised its disclosure.
- (6) The Minister, on the advice of the Director, may authorise the release of any information supplied by an observer device or equipment used for vessel monitoring purposes relating to the position of any vessel, upon request, to the responsible government agencies for purposes including surveillance, search and rescue and other emergency, and may authorise the release of such other confidential information for such purposes as may be prescribed.
- (7) A person who violates the requirements of this section commits an offence and, in addition to any penalty, his or her appointment or other authority under this Act may be reviewed and terminated by the appropriate authority."

**Insertion of new section 40A**

22. Part 12 of the principal Act is amended by inserting a new section 40A after section 40:

**"40A Fisheries Administrative Penalty Committee**

- (1) The Fisheries Administrative Penalty Committee ("Committee") is established with the function of making recommendations to the Minister and the Attorney-General on the administrative penalty to be imposed on the contravention of the Act by a foreign fishing vessel.
- (2) The Committee shall consist of the following or their respective nominee-
  - (i) the Commissioner of Police

- (ii) the Secretary of the Ministry responsible for customs;
  - (iii) the Secretary of the Ministry responsible for environment;
  - (iv) the Secretary of the Ministry responsible for fisheries;
  - (v) the Secretary of the Ministry responsible for foreign affairs; and
  - (vi) the Director of Public Prosecutions.
- (3) The Minister may, as appropriate, invite representatives of relevant international, regional or national organisations to specific meetings of the Committee as observers.
- (4) The Principal Fisheries Officer or his or her nominee shall be Secretary to the Committee.
- (5) The Director of Fisheries or his or her nominee shall chair meetings of the Committee.
- (6) The Committee shall meet as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Committee or Director of Fisheries may determine.
- (7) The Committee may adopt such procedures it deems necessary for the conduct of its meetings."

## **Fisheries (Amendment) Act 2015**

### **Explanatory Memorandum**

The Fisheries Act 2010 repeals the Fisheries Act 1979. For the last four years or so, the Act has been implemented for the purposes that it strives to achieve. Chief among them is the management and development of fisheries resources for te I-Kiribati. During its implementation in the last 4 years or so, it is felt that there is room for further improvements. This Act in summary, will address those perceived improvements for the implementation of the Act. This is done through the amendments to various sections of the existing Act or by inserting new sections to address new developments in the Act.

In summary, the contents of this Act are as follows:-

Section 2 amends section 2 by elaborating further on the purpose of the Act by including the application provisions, to make it clear that while it has extra territorial effect, the application of conservation and management measures in the internal waters of Kiribati, including archipelagic waters and territorial sea, can only be applicable if Kiribati expressly consents to that.

Section 3 amends section 3 to incorporate new definitions of words already existing in the Act or are being imported through these amendments.

section 4 amends section 4 by inserting a new subsection (2) to compel the Minister to adopt measures and principles relating to conservation and management of fishery and fishery resources currently in force when performing his or her functions under the Act.

Section 5 amends section 7 by correcting the reference made therein to the subsection and not the paragraph .

Section 6 amends section 8 to broaden the scope of application of the section and allow for the reporting of unlicensed foreign fishing vessels navigating through Kiribati waters and to give effect to Article 73 of the 1982 Law of the Sea Convention.

Section 7 amends section 9 to provide explicitly for the period of validity of a licence, which states it to be for the period as endorsed on the licence unless suspended or cancelled.

Section 8 amends section 11 at subsection (3) by making it a condition that the licence for a local vessel is subject to it being registered.

Section 10 amends section 12 to enable the Director of Fisheries to impose prohibitive conditions of the licence for a foreign fishing vessel, such as fishing on specific high seas areas, or the use of specific fishing gear outside Kiribati waters.

Section 11 inserts sections 14A and 14B to provide for general fishing prohibitions, and to require that people engaging in recreational fishing must apply for a licence.

Section 12 inserts a new Part 5A to enable the Minister to regulate the export of seafood and to allow for the establishment of a competent authority to oversee the fish processing by setting standards and conditions accepted internationally.

Section 13 inserts the new section 15A to enable the creation and maintenance of a record of fishing vessels. Failure to provide for information required thereunder on the part of the owner or operator may result in criminal prosecution.

Section 14 amends section 22 to enable Kiribati observers to exercise their duties outside Kiribati waters.

Section 15 inserts a new section 23A in Part 8 to enable and elaborate on the powers of authorised officers exercising their duties beyond Kiribati waters in accordance with a scheduled treaty.

Section 16 amends section 24 to be consistent with the amendment in the new section 23A to enable authorised officers to exercise their duties beyond Kiribati waters and in accordance with a scheduled treaty.

Section 17 amends section 25 to include observers among authorised officers to be issued with identification documents, as evidence of them being appointed as such, and to produce it on demand when exercising their duties.

Section 18 amends section 27 at subsection (1) by deleting the word “foreign” in the first line to broaden the application of the section; in subsection (3) by inserting a new item (h) to include the offence of resisting lawful arrest. The new subsections (3A) and (3B) are also inserted by prohibiting the disembarkation of both authorised officers and observers outside the territory or jurisdiction of Kiribati without the consent of the Director of Fisheries. Failure to abide by this requirement on the part of the owner or operator of the vessel may result in criminal prosecution.

Section 19 inserts new sections 28A and 28B to include the Lacey type provision, that deems activities contrary to the laws of another state to be offences under this Act.

Section 20 amends section 30 by broadening the application of the section to offences under the Act committed outside to be deemed to be offences committed in Kiribati.

Section 21 inserts a new section 39A to provide that information or other data of confidential nature acquired by various persons carrying out duties and responsibilities under this Act must not be disclosed except as authorised under this section.

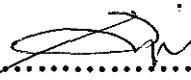
Section 22 inserts a new section 40A providing for the composition of the Administrative Committee, who the chairman is, who the secretary is, the arrangement of its meetings, and the adoption of its procedures .

Titabu Tabane

Attorney General

**CERTIFICATE OF THE CLERK OF THE MANEABA NI  
MAUNGATABU**

This printed impression of the Fisheries Amendment Act 2015 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 16<sup>th</sup> April 2015 and is found by me to be a true and correctly printed copy of the said Bill.

  
.....

**Eni Tekanene**

**Clerk of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this 21 day of  
May 2015.

  
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**Eni Tekanene**

**Clerk of the Maneaba ni Maungatabu**