

[LEGAL NOTICE NO. 4]

FISHERIES ACT 1941

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## **Fisheries (Naiqoro Passage Spawning Aggregation Marine Reserve) Regulations 2018**

IN exercise of the powers conferred on me by section 9 of the Fisheries Act 1941, I hereby make these Regulations—

### *Short title and commencement*

1.—(1) These Regulations may be cited as the Fisheries (Naiqoro Passage Spawning Aggregation Marine Reserve) Regulations 2018.

(2) These Regulations come into force on the date of publication in the Gazette.

### *Interpretation*

2. In these Regulations, unless the context otherwise requires—

“Act” means the Fisheries Act 1941;

“Buffer Zone” means the Buffer Zone declared under regulation 4;

“coastal zone”, for the purposes of these Regulations, means the area within 2 kilometres inland from the high water mark and includes areas from the high water mark up to the Marine Reserve;

“development activity or undertaking” means any activity or undertaking likely to alter or which alters the physical nature of the land in any way, and includes the construction of buildings or works, the deposit of wastes or other material from outfalls, vessels or by other means, the removal of sand, coral, shells, natural vegetation or other substances, dredging, filling, land reclamation, mining or drilling for minerals, but does not include fishing;

“indiscriminate fishing gear” means any fishing gear deployed that indiscriminately catches fish or any marine organism, such as gillnets and handlines with steel wire leaders and poison fishing where derris root extracts, chemicals or dynamite are used; and

“Marine Reserve” means the Naiqoro Passage Spawning Aggregation Marine Reserve declared under regulation 3.

### *Naiqoro Passage Spawning Aggregation Marine Reserve*

3.—(1) The area on the map set out in the Schedule is hereby declared as a Marine Reserve to be known as the Naiqoro Passage Spawning Aggregation Marine Reserve for the purpose of conserving, protecting and maintaining the biodiversity and productivity of the species of fish, sharks, rays, cetaceans, sea turtles and all marine organisms including coral and holothurian species within the demarcated area.

(2) Any person operating a vessel within the Marine Reserve must only use the mooring provided within the Marine Reserve.

(3) A person must not dispose of or throw rubbish or any other waste material within the Marine Reserve area.

(4) Any development activity or undertaking within the coastal zone of the Marine Reserve is prohibited except with the approval of the Department of Fisheries.

(5) Any fishing activity or activity consisting of the collection of any species of fish and marine organisms including coral within the Marine Reserve is prohibited.

(6) Any person who contravenes this regulation commits an offence and is liable upon conviction to a fine not less than \$500 and not exceeding \$10,000 or imprisonment for a term not exceeding 6 months, or both.

(7) Any person who continues to contravene or repeatedly contravenes this regulation is liable upon conviction to a fine not less than \$20,000 and not exceeding \$100,000 or imprisonment for a term not exceeding 2 years, or both.

(8) The Department of Fisheries may seize any marine organism, fishing equipment, conveyance including vehicles and vessels used for their transport, or other property involved in a breach of subregulation (5).

*Buffer Zone*

4.—(1) The area marked in dark green colour, and being the 200m zone outside of the marine reserve area on the map set out in the Schedule is hereby declared a Buffer Zone for the Marine Reserve.

(2) The use of any form of indiscriminate fishing gear and any fishing equipment to target any species of fish, sharks, rays, cetaceans, sea turtles and any marine organisms such as corals and holothurians within the Buffer Zone is prohibited.

(3) Any person who contravenes subregulation (2) commits an offence and is liable upon conviction to a fine not less than \$500 and not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

(4) Any person who continues to contravene or repeatedly contravenes this regulation is liable upon conviction to a fine not less \$20,000 and not exceeding \$50,000 or imprisonment for a term not exceeding one year, or both.

(5) The Department of Fisheries may seize any species of fish or marine organism captured or any fishing equipment involved in a breach of subregulation (2).

*Scientific research*

5. Notwithstanding regulations 3 and 4, the Minister may authorise activities otherwise prohibited under these Regulations for the purpose of scientific research.

*Management guidelines*

6. The Minister may, by notice in the Gazette, issue guidelines for the proper management and monitoring of the areas within the Marine Reserve and the Buffer Zone.

Made this 8th day of January 2018.

S. KOROILAVESAU  
Minister for Fisheries

SCHEDULE  
(Regulation 3)

NAIQORO PASSAGE SPAWNING AGGREGATION MARINE RESERVE AND  
BUFFER ZONE

