

# **Endangered and Protected Species Act 2002**

## **FIJI ISLANDS**

### **ENDANGERED AND PROTECTED SPECIES ACT 2002**

#### **ARRANGEMENT OF SECTIONS**

##### **Part 1 - PRELIMINARY**

1. Short title and commencement
2. Interpretation

##### **Part 2 - FIELD OF APPLICATION**

3. Appendices and Schedules of species

##### **Part 3 - ESTABLISHMENT OF THE FIJI ISLANDS CITES MANAGEMENT AUTHORITY AND THE FIJI ISLANDS CITES SCIENTIFIC COUNCIL**

4. Establishment of the Authority
5. Meetings of the Authority and the Council
6. Functions of the Authority
7. Establishment and functions of the Council
8. Secretariat to the Authority and the Council

##### **Part 4 - PERMITS**

9. Export permits
10. Import permits
11. Re-export permits
12. Permits for introduction from the sea
13. Power to grant permits
14. Validity of permits
15. Keeping of records
16. Application forms
17. Specimens bred in captivity

##### **Part 5 - TRANSIT AND TRANSHIPMENT**

18. Transit and transshipment of specimens
19. Prohibited and restricted goods
20. Exemptions

## **Part 6 - REGISTRATION OF TRADERS, ETC**

- 21. Registration of persons to trade in specimens
- 22. Registration of captive breeders, etc

## **Part 7 - ENFORCEMENT**

- 23. Offences
- 24. Offences by directors, etc
- 25. Detention of suspects
- 26. Power of seizure and entry
- 27. General penalty
- 28. Confiscation and forfeitures
- 29. Reporting of breach

## **Part 8 - MISCELLANEOUS**

- 30. Act binds the Government
  - 31. Donations
  - 32. Appeals
  - 33. Delegation of powers
  - 34. Act in addition to other laws
  - 35. Regulations
  - 36. Transitional and savings
-

**ENDANGERED AND PROTECTED SPECIES ACT 2002**

**NO. 29 OF 2002**

I assent.

[L.S.]

J. I. ULUIVUDA

President

[23 December 2002]

**AN ACT**

**TO REGULATE AND CONTROL THE INTERNATIONAL TRADE, DOMESTIC TRADE, POSSESSION AND TRANSPORTATION OF SPECIES PROTECTED UNDER THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) AND FOR RELATED MATTERS**

**ENACTED** by the Parliament of the Fiji islands-

**Part 1 - PRELIMINARY**

*Short title and commencement*

1.-(1) This Act is cited as the Endangered and Protected Species Act 2002.

(2) This Act commences on a date appointed by the Minister by notice in the *Gazette*.

*Interpretation*

2. In this Act, unless the context otherwise requires-

"Appendix" means the Appendix I, II, or III (as amended from time to time) to the CITES listing endangered and protected species;

"artificially propagated" means live plants grown from seeds, cuttings, divisions callus tissues or other plant tissues, spores or other propagules under controlled conditions;

"authorised officer" means or a public officer or class of officers designated under section 8, a police officer or a customs officer;

"bred in captivity" means bred an offspring (including eggs, born or otherwise produced) in a controlled condition of parents that mated or transmitted their gametes in a controlled condition;

"certificate of artificially propagated" means a certificate of registration issued under section 22 to undertake artificial propagation of plant species mentioned in section 3;

"certificate of captive-breeding" means a certificate of registration issued under section 22 to undertake captive breeding of animal species mentioned section 3;

"certificate of origin" means a permit issued under section 9 to export any specimens of species of a kind listed in Appendix III but the species is not intended to be listed in Appendix III by the Fiji Islands;

"CITES" means the Convention on International Trade on Endangered Species Wild Fauna and Flora;

"CITES Secretariat" means the Secretariat of the CITES;

"controlled condition" means any controlled condition in a non-natural environment that is intensively operated, controlled or manipulated by human intervention to produce or grow selected species or hybrid including tillage, fertilization, weed control, irrigation, or potting, bedding or protection from weather any other nursery operations;

"Council" means the Fiji Islands CITES Scientific Council established by section 7;

"country of origin" means the country in which a specimen has been taken in the wild or born or bred in captivity or artificially propagated or introduced from the sea;

"customs laws" has the same meaning given in the Customs Act;

"domestic trade" means a sale, purchase, manufacture or any other commercial activity within the Fiji Islands relating to any specimens;

"endangered species" means any species mentioned in section 3 which can no longer be relied upon to reproduce itself in number to ensure its survival

"exporter" means an exporter for the purposes of this Act;

"indigenous species" means any species originated naturally in or that are endemic or common only to the Fiji Islands;

"international trade" means any export, re-export, or import of species regulated under this Act or any other written law and includes any introduction from the sea;

"introduction from the sea" means the transportation or importation into the Fiji Islands of any marine species that were taken, removed or harvested from a marine environment outside the Fiji Islands;

"importer" means an importer for the purposes of this Act;

"Management Authority" means the Fiji Islands CITES Management Authority established by section 4; and "Authority" has a corresponding meaning;

"permit" means a permit issued under Part 4 and includes a permit or similar authority issued by another country in relation to any specimens listed in Appendix I, II or III;

"personal or household effects" means any dead specimens, parts and derivatives that are part of the belongings of a private individual, which form or are intended to form part of the individual's normal possessions;

"port" has the meaning given in the Customs Act and includes an airport declared under section 4 of the Customs Act;

"protected species" means any species mentioned in section 3;

"rescue centre" means any premises, facility or place designated under section 8(2)(f);

"re-export" means the export of any specimen that has been previously imported;

"Secretariat" means the Secretariat to the Authority or the Council;

"species" means any species or subspecies whether or not geographically separate population of the species or subspecies;

"specimen" means-

(a) any specimens of a species (whether alive or dead) mentioned in section 3;

(b) any part or derivative of any species mentioned in section 3 unless the part or derivative is exempted under the CITES;

"state party" means a state which is a party to the CITES;

"trade" means any international trade or any domestic trade;

"transshipment" has the same meaning in the Customs Act;  
"transit" means the transit rules and procedures set out in the customs legislations

## **Part 2 - FIELD OF APPLICATION**

### *Appendices and Schedule of species*

**3.-(1)** This Act applies to any endangered or protected species listed-

(a) in Appendix I, which lists all species threatened with extinction which are or may be affected by trade;

(b) in Appendix II, which lists all species that are not actually threatened with extinction but may become threatened with extinction if trade in those species is not regulated;

(c) in Appendix III, which lists all species identified by state parties that require regulation in their jurisdiction to prevent and restrict their ex which require the co-operations of other state parties to control those species;

(d) in Schedule 1 to this Act, which lists all species indigenous t Islands but are not listed in Appendix I and are believed to be threatened with extinction;

(e) in Schedule 2 to this Act, which lists all species indigenous to the Fiji Islands but are not listed in Appendix I, II, III or Schedule 1 to this Act.

## **Part 3-ESTABLISHMENT OF THE FIJI ISLANDS CITES MANAGEMENT AUTHORITY AND THE FIJI ISLANDS CITES COUNCIL**

### *Establishment of the Authority*

**4.-(1)** This section establishes the Fiji Islands CITES Management consisting of –

(a) the Permanent Secretary responsible for Environment as the chairperson

(b) the Director of Environment;

(c) the Director of the National Trust of Fiji;

(d) 3 public officers (the Ministry of Agriculture, the Ministry of Fisheries and Forests and the Fijian Affairs Board to nominate one each);

(e) 2 members to represent the non-governmental organisations dealing with the protection and conservation of the environment;

(f) 2 members nominated by the body that represents those involved in the trade, sale, possession, exportation or importation of species mentioned in section 3.

(2) The Minister may appoint members under subsections (1) (d) to (1) (f).

(3) A person appointed under subsections (1) (d) to (1) (f) may be appointed for 3 years and is eligible for re-appointment.

(4) The members appointed under subsections (1) (e) and (1) (f) are entitled to allowances fixed by the Public Service Commission.

*Meetings of the Authority and the Council*

**5.**-(1) The chairperson of the Authority or the Council must-

(a) convene meetings of the Authority or the Council; and  
(b) preside at all meetings of the Authority or the Council unless the chairperson is absent, in which case, the members present must select a member to preside at that meeting.

(2) If there is equality of votes at a meeting of the Authority or the Council, the chairperson has a casting vote.

(4) At a meeting of the Authority, 7 members constitute a quorum.

(5) At a meeting of the Council, 5 members constitute a quorum.

(6) The Authority or Council may invite a person to a meeting of the Authority or the Council to advise the Authority or the Council but the person has no right to vote on any matter before the Authority or the Council.

*Functions of the Authority*

**6.**-(1) The functions of the Authority are-

(a) to advise the Government on its obligations under the CITES;  
(b) to advise and liaise with the CITES Secretariat or the CITES management authority of a state party on any matter relating to CITES in the Fiji Islands;  
(c) to prepare CITES annual report for the Fiji Islands-  
(i) to be sent to the Minister before 31st March of each year;  
(ii) to be tabled by the Minister in both Houses of Parliament as soon as practicable; and  
(iii) a copy to be sent to the CITES Secretariat by 31st October;  
(d) to advise the Minister on any action to implement or enforce the obligations under the CITES;  
(e) to do other things required under this Act or any other written law.

(2) The Management Authority may be joined as a party to any proceeding a court or tribunal in any matter to which this Act applies for the purpose of assisting the court or tribunal:

*Establishment and Functions of the Council*

7.-(1) This section establishes the Fiji Islands CITES Scientific Council consisting of -

- (a) the Conservator of Forest as the chairperson;
- (b) the Director of Fisheries;
- (c) the Director of Environment;
- (d) the Director of Research of the Agricultural Division;
- (e) the Director of Animal Health and Production;
- (f) an academic nominated by the Minister for Education;
- (g) a representative of the non-governmental organisation responsible for the conservation of the environment;

(2) The Minister may appoint members under subsections (1) (f) and (1) (g) for a term of 3 years and are eligible for re-appointment.

(3) The members under subsections (1) (f) and (1) (g) are entitled to allowances under section 4(4).

(4) The functions of the Council are-

- (a) to advise the Authority on any matter relating to the CITES including whether or not-
  - (i) any proposed export of any specimen will be detrimental to the survival of the species involved;
  - (ii) in the case of a proposed import of any live specimen listed in Appendix I- the purposes of the import will be detrimental to the survival of the species involved and the Council is satisfied that the proposed recipient of the specimen is suitably equipped to house and care for the specimen;
- (b) to monitor the export permits granted for specimens listed in Appendix II and the actual export of the specimens;
- (c) to advise the Management Authority on any measures to be taken to limit the issue of export permits when the population status of a species so requires;
- (d) to advise the Management Authority and the Secretariat on the disposal of confiscated or forfeited specimens;
- (e) to conduct research on any other species that are or likely to be endangered, threatened or exploited in the Fiji Islands;
- (f) to collect and distribute any information relating to international trade (including any regulation on quota) or any other commercial use of any endangered or protected species;
- (g) to advise the Management Authority, the Secretariat or any other organisation on any matter the Council considers relevant in the protection of species mentioned in section 3;
- (h) to advise the Secretariat on the accuracy and relevancy of the contents of any awareness or educational materials on CITES;
- (i) to provide support to the Secretariat on the preparation and conduct of training for persons or organisations that require training on CITES matters and issues
- (j) to do any other matter required by the Authority.

*Secretariat to the Authority and the Council*

**8.**-(1) The Director of Environment is the Secretariat to the Authority and the Council.

(2) The functions of the Secretariat are-

(a) to designate a senior public officer to assist the chairperson of the Authority or of the Council convene their meetings;

(b) to designate a public officer or class of public officers or to appoint any other person as authorised officers;

(c) to carry out awareness work and prepare relevant educational materials on any matter relating to the CITES for the benefit of the Fiji Islands citizens or any non-Fiji Islands citizens who are visiting the Fiji Islands;

(d) to prepare materials and organise training for persons or organisations that require training on any matter relating to the CITES;

(e) to collect and maintain records of international trade in specimens and share information relating to the CITES;

(f) on the recommendation of the Council - to designate rescue centres;

(g) to do any other thing assigned by the chairperson of the Authority or the Council.

**Part 4-PERMITS**

*Export permits*

**9.**-(1) No person must export any specimen mentioned in section 3 except with an export permit.

(2) A person who intends to export any specimen mentioned in section 3 may in the prescribed form and accompanied by the prescribed fee, to the Management Authority for a permit to import the specimen.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction-

(a) in the case of a first offence - to a fine of \$20,000; and

(b) in the case of a second or subsequent offence - to a fine of \$100,000 or to imprisonment for 5 years.

*Import permits*

**10.**-(1) No person must import any specimen mentioned in section 3 except with an import permit.

(2) A person who intends to import any specimen listed in Appendix I may apply, in the

prescribed form and accompanied by the prescribed fee, to the Management Authority for a permit to import the specimen.

(3) A person who contravenes subsection (1) commits an offence and is liable to on conviction-

(a) in the case of a first offence to a fine of \$20,000; and

(b) in the case of a second or subsequent offence - to a fine of \$100,000 or to imprisonment for 5 years.

#### *Re-export permits*

**11.**-(1) No person must re-export any specimen mentioned in section 3 except with a re-export permit.

(2) A person who intends to re-export any specimen mentioned in section 3 may apply in the prescribed form and accompanied by the prescribed fee, to the Management Authority for a permit to re-export the specimen.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction-

(a) in the case of a first offence to a fine of \$20,000; and

(b) in the case of a second or subsequent offence - to a fine of \$100,000 or to imprisonment for 5 years.

#### *Permits for introduction from the sea*

**12.**-(1) No person must import or transport an introduction from the sea of any specimen mentioned in section 3 except with a permit for introduction from the sea.

(2) A person who intends to import or transport any introduction from the sea may apply, in the prescribed form and accompanied by the prescribed fee, to the Management Authority for a permit to import or transport any introduction from the sea.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction-

(a) in the case of a first offence to a fine of \$20,000; and

(b) in the case of a second or subsequent offence - to a fine of \$100,000 or to imprisonment for 5 years.

#### *Power to grant permits*

**13.**-(1) The Management Authority may-

(a) grant any permit with or without conditions;

(b) refuse to grant a permit;

(c) vary a permit with or without conditions; or

(d) suspend or cancel a permit.

(2) A permit must specify whether it is a permit for any specimen listed under Appendices I to III or for any specimen listed in Schedule 1 or 2 to this Act.

(3) A permit must only be issued if the Management Authority is satisfied that -

(a) in the case of an export permit for a specimen listed in Appendix I or II - the Council has advised that the: exportation will not be detrimental to the survival of the species concerned or the specimen to be exported is within the prescribed annual export quota;

(b) in the case of an import permit for a specimen listed in Appendix I - the Council has advised that the importation will be for purposes that are not detrimental to the survival of the species;

(c) the specimen concerned has not been obtained in contravention of any written law of the Fiji Islands or the laws of the country from which the specimen was obtained or taken;

(d) that any specimen to be re-exported was imported by virtue of this Act and of the CITES;

(e) in the case of the transportation of any living specimen for export or re-export-

(i) in the case of transportation by sea - the shipment complies with the CITES guidelines for the transport of live specimens; or

(ii) in the case of transportation by air-the transportation complies with the Live Animals Regulations made by the International Air Transport Association; and

(iii) that the live specimens will be prepared and transported to minimise the risk of injury, damage to health or cruel treatment;

(f) in the case of exportation of specimens listed in Appendix I- the import permit or similar authority has been issued by the competent authority of the country of destination;

(g) in the case of an import permit in relation to an introduction from the sea listed in Appendix I - the specimen will not be used primarily for commercial purposes;

(h) in the case of an import permit in relation to a specimen listed in Appendix II or III- the export permit or re-export permit has been issued by the relevant CITES authority of the exporting country in accordance with the laws of that country and the CITES;

(4) The Management Authority must not grant a permit to import any specimens listed in Appendix I, II or III unless the Authority has received a valid export permit, re-export permit, certificate of origin or similar authority from exporting country.

(5) The Management Authority may determine conditions of any permit issued under this Act in relation to specimens listed in Schedules 1 and 2.

#### *Validity of Permits*

**14.-** (1) An export permit issued under this Act is valid for 6 months from the date of issue.

(2) An import permit for specimens listed in Appendix I is valid for 12 months from the date of issue.

(3) An impart permit for specimens listed in Appendix II or III is valid for 6 months from the date of issue in respect of the corresponding export or re-export permits or similar authority

issued by the country of export or re-export.

(4) An import, export, re-export or a permit for an introduction from the sea for specimens listed in Schedules 1 and 2 is valid for 6 months from the date of issue.

(5) A permit or similar authority in respect of specimen mentioned in section 3 (including any condition which has not been complied with) issued in contravention of the law of another country or in contravention of the CITES or the Resolutions of the Conference of the Parties to CITES is invalid.

(6) A permit issued under this Act must be issued in the prescribed form.

#### *Keeping of records*

**15. Management Authority must-**

(a) record the details of any permit issued by it in a register.

(b) cancel and retain used export permits and re-export permit or similar authority issued by any other country and any corresponding import permits issued under this Act;

(c) within 14 days of issuing a permit under this Act or receiving an export permit or similar authority issued in another country - send a copy of the permit to the Secretariat.

#### *Application forms*

**16. - (1) The prescribed application form for a permit must set out-**

(a) the name and address of the applicant or exporter, or the recipient or importer;

(b) the details of the permit;

(c) any relevant information relating to the specimen;

(d) any relevant information concerning the country-

(i) to which the specimen to be exported or re-exported;

{ ii) from which the specimen was or is to be imported;

(iii) in the case of re-exportation- from which the specimen was initially imparted;

(e) any relevant information relating to the policy or law restricting, prohibiting or qualifying trade on any species mentioned in section 3 in the country to which the specimen is to be exported;

(f) any other information necessary for the Authority to carry out its functions under this Act or any other written law.

(2) An application for a permit must relate to only one consignment or one specimen.

*Species bred in captivity*

- 17.**-(1) Any animal species listed in Appendix I that have been bred in captivity for commercial purposes, is deemed to be animal species listed in Appendix II.
- (2) Any plant species listed in Appendix I that have been artificially propagated for commercial purposes, is deemed to be plant species listed in Appendix II.
- (3) Any animal species listed in Appendix I or II that have been bred in captivity may not be traded unless the specimens originate from a breeding operation registered under this Act, and have been individually and permanently marked in a prescribed manner so as to render it difficult for any unauthorised person to alter, modify or erase the mark.
- (4) The Minister may prescribe the conditions for registration of breeding operations.

**Part 5-TRANSIT AND TRANSHIPMENT**

*Transit and transhipment of specimens*

**18.** An authorised officer must inspect, handle and report any transit or transhipment of any specimen as required by this Act or any other written law.

*Prohibited and restricted goods*

**19.** This Act is in addition to any other written law relating to prohibition or restriction on importation, exportation, re-exportation or introduction from the sea of any species mentioned in section 3.

*Exemptions*

**20.** - (1) This Act does not apply to-

(a) dead specimens, parts and derivatives of species listed in Appendix I or II which are personal or household effects being introduced or imported into the Fiji Islands, exported or re-exported, in compliance with regulations made by the Minister in accordance with the CITES and the Resolutions of the Conference of the Parties;

(b) non-commercial loans, donations or exchanges of specimens between scientists and scientific institutions, registered with the Management Authority;

(c) specimen to be used for the purpose of-

(i) education;

(ii) exhibition (including travelling exhibition);

(iii) breeding of animal species or propagation plant species programmes approved by the Management Authority.

(2) Notwithstanding subsection (1), a person who is exempted under this section must first seek an exemption approval from the Authority and the exemption approval may be granted with or without conditions.

## **Part 6-REGISTRATION AND POSSESSION**

### *Registration of persons to trade in specimens*

**21.**-(1) No person must trade in specimens of any species mentioned in section 3 unless the person is registered with the Management Authority.

(2) The Management Authority may register or refuse to register a person to trade in any species mentioned in section 3.

(3) The Management Authority may vary, suspend or revoke the registration of a person registered under this section.

(4) A person who wishes to trade in species mentioned in section 3 may apply, in the prescribed form and accompanied by the prescribed fee, to the Management Authority.

(5) The Authority must only register a person under this Act if the applicant meets the prescribed conditions.

(6) A person who contravenes subsection (1) commits an offence and is liable-

(a) in the case of an individual person - to a fine of \$20,000 or imprisonment for 4 years;

(b) in the case of any company or .association or body of persons, corporate or unincorporated - to a fine of \$100,000.

### *Registration of captive breeders, etc*

**22.**-(1) No person must undertake any captive breeding of any animal species or any artificial propagation of plant species mentioned in section 3 unless the person is registered with the Management Authority.

(2) The Management Authority may register or refuse to register a person to undertake any captive breeding of animal species or any artificial propagation of plant species mentioned in section 3.

(3) The Management Authority may vary, suspend or revoke the registration of a person under this section.

(4) A person who wishes to undertake any captive breeding of animal species or any artificial propagation of plant species mentioned in section 3 may apply, in the prescribed form and accompanied by the prescribed fee, to the Management Authority.

(5) A person registered under this section must keep records of their stocks and of any other

related transactions.

(6) The Management Authority may inspect the premises and records of persons registered under this Act.

(7) A person who contravenes subsection (1) commits an offence and is liable-

(a) in the case of an individual person-to a fine of \$20,000 or to imprisonment for 4 years;

(b) in the case of a company or association or body of persons, corporate or unincorporated - to a fine of \$100,000.

## **Part 7-ENFORCEMENT**

### *Offences*

**23.** - (1) A person who forges-

(a) a permit issued under this Act or by state party; or

(b) any other document required under this Act for the purpose of any permit or of any registration under this Act, commits an offence and is liable on conviction to a fine of \$5,000 or to imprisonment for 2 years.

(2) A person who has in his or her possession or control, offers or exposes for sale or displays to the public, any specimen mentioned in section 3 without being registered under this Act commits an offence and is liable on conviction to a fine of \$5,000 or to 2 years imprisonment.

(3) The burden of proof of the lawful possession of a specimen mentioned in section 3 lies with the person in possession or control of the specimen.

(4) A person who provides, makes or attempts to provide or make any false or misleading statement in, or in connection with, an application for a permit issued under this Act or any other document required under this Act commits an offence and is liable on conviction to a fine of \$2,000 or to imprisonment for 12 months.

(5) A person who obstructs or hinders the performance of duties under this Act by an authorised officer commits an offence and is liable on conviction to a fine of \$1,000 or to imprisonment for 6 months.

(6) A person who alters, defaces or erases a mark authorised by the Management Authority to be used by another person to permanently identify any specimens commits an offence and is liable on conviction to a fine of \$1,000 or to imprisonment for 6 months.

### *Offences by directors, etc*

**24.** If a company commits an offence under this Act and it is proved that the offence occurred with the consent or connivance of, or was attributable to any neglect on part of, a director, manager, secretary or other similar officer of the company, or any person who was purporting to act in any such capacity, that person and the company commits the same offence.

### *Detention of suspects*

**25.**-(1) If an authorised officer is satisfied that there is reasonable evidence of an offence under this Act is being or is about to be committed by a person, the officer may detain the person and seize any item related to the offence.

(2) A person detained under this section other than by a police officer must be handed forthwith to a police officer.

### *Power of seizure and entry*

**26.** - (1) An authorised officer may-

- (a) within reasonable time, enter any premises or vehicle and detain and seize any specimen which the officer reasonably suspects is kept in contravention of this Act or the CITES;
- (b) seize anything which the officer reasonably suspects is evidence of the offence;
- (c) examine any specimen which the officer reasonably suspects to be transported, acquired or traded in contravention of this Act or the CITES;
- (d) examine any records held relating to any specimens referred to in paragraph (a) or (b).

(2) If any premises to be entered and searched under subsection (1) is a residential premises, the authorised officer must first apply to a magistrate for a search warrant.

(3) Any expenses incurred under this section as a result of seizure, including costs of custody, transportation and disposal of specimens or of maintaining live animals and plants during the time of seizure, is recoverable as a debt from the person in whose custody the species or specimen was seized.

(4) Any thing seized under this section must be listed in writing by the authorised officer and a copy of the list be given to the person in whose custody the thing was seized.

### *General penalty*

**27.** A person who commits an offence under this Act for which no penalty is provided is liable to a fine of \$2,000 or to imprisonment for 12 months.

### *Confiscation and forfeitures*

**28.**-(1) Any specimen mentioned in section 3, which is the subject of an offence committed under this Act or any other written law-

(a) must be confiscated by an authorised officer; and  
(b) by order of the court be forfeited to the State.

(2) When a persons is convicted of an offence under this Act, any cage, container, vessel, aircraft, vehicle, or any other article or equipment (including money) in respect of or by means of which the offence was committed may be forfeited to the State by order of the court in addition to any other penalty imposed.

(3) If a person is prosecuted for an offence but the person is acquitted, the court may order any specimen, which is the subject of the offence, be forfeited to the State.

(4) The Management Authority may, in consultation with the Council, determine the manner of disposal of any specimen forfeited to the State or thing forfeited under subsection (2).

### *Reporting of breach*

**29.**-(1) A person may report an activity in relation to any species mentioned in section 3 that may be done in contravention of this Act to the Authority, Council, Secretariat or an authorised officer.

(2) If upon acting on the report received under subsection (1), a person is convicted for an offence under this Act, the Authority may approve the rewarding of the person providing the report.

## **Part 8- MISCELLANEOUS**

### *Act binds the Government*

**30.** This Act binds the Government.

### *Donations*

**31.** Any money received by or on behalf of the Management Authority for the purposes protecting any species listed in section 3 may be deposited into a trust fund established by Authority by virtue of the Finance Act.

### *Appeals*

**32.**-(1) A person aggrieved by a decision of the Management Authority may appeal to the Minister.

(2) A person aggrieved by a decision of a delegate may appeal to the Authority.

### *Delegation of powers*

**33.**-(1) The Management Authority and the Council may delegate its powers (including the power to issue permits) to senior public officers.

(2) The delegation must not include the power to issue permits in respect of specimen of species listed in Appendix 1.

### *Act in addition to other laws*

**34.** This Act is in addition to the requirements under any other written law.

### *Regulations*

**35.** The Minister may make regulations to give effect to the provisions of this Act, and in particular-

- (a) to prescribe forms and fees;
- (b) to prescribe conditions for permits and for registration of persons under this Act;
- (c) to prescribe procedures for appeals;
- (d) to prescribe import and export quotas;
- (e) to amend Schedules;
- (f) to prescribe different categories of permits for species listed in Appendices I to III and species listed in Schedules 1 and 2;
- (g) to prescribe other procedures and documents required under this Act.

(2) Regulations may prescribe fines of \$2000 or imprisonment for 2 years.

### *Transitional and savings*

**36.**-At the commencement of this Act-

- (a) any person trading in any species mentioned in section 3 before the commencement of this Act must, within 3 months, comply with this Act; and
- (b) any permit issued under a written law or otherwise in respect of any species mentioned in section 3 is deemed to have been issued under this Act.

---

**SCHEDULE I**  
(Section 3)

**INDIGENOUS SPECIES NOT LISTED IN APPENDIX I**

**PART 1 – FISHES**

<i>Species</i>	<i>Common Name</i>
<i>Bryanninops diannoea</i>	
<i>Ecsenius figiensis</i>	
<i>Mesoprisles kneri</i>	Reve
<i>Plagiotremus laudandus flavus</i>	
<i>Plectranthias fijiensis</i>	
<i>Rotuma lewisi</i>	
<i>Thamnaconus fijiensis</i>	

**PART 2 – BIRDS**

<i>Clytorhynchus nigrogularis</i>	Black-faced shrikebill
<i>Dendrocygna arcuata</i>	Wandering whistling-duck
<i>Erythrura kleinschmidti</i>	Pink-billed parrotfinch
<i>Gallicolumba stairii</i>	Friendly ground-dove
<i>Lamprolia Victoria</i>	Silktail
<i>Mayrornis versicolor</i>	Ogea monarch
<i>Myzomela chermesina</i>	Rotuma myzomela
<i>Nesoclopeus poecilopterus</i>	Barred-wing rail
<i>Poliolimnas cinereus</i>	White-browed crake
<i>Porzana tabuensis</i>	Spotless crake
<i>Trichocichla rufa</i>	Long-legged warbler

**PART 3 – SEABIRDS**

<i>Fregata ariel</i>	Lesser frigatebird
<i>Nesofregatta albigularis</i>	Polynesian storm-petrel
<i>Phethon lepturus</i>	White-tailed tropicbird
<i>Procelsterna cernula</i>	Blue noddy
<i>Pseudobulweria macgillivrayi</i>	Fiji petrel
<i>Pseudobulweria rostrata</i>	Tahiti petrel
<i>Puffinus inherminieri</i>	Audubon's shearwater

<i>Sula dactylatra</i>	Masked booby
<i>Sula leucogaster</i>	Brown booby
<i>Sterna anaethetus</i>	Bridled tern
<i>Sterna bergii</i>	Crested tern
<i>Sterna fuscata</i>	Sooty tern

#### **PART 4 - REPTILES - GECKOS**

<i>Hemiphyllodacrylus typus</i>	Indo pacific tree gecko
---------------------------------	-------------------------

#### **PART 5 – SKINKS**

<i>Emoia Campbelli</i>	Montane tree skink
<i>Emoia mokosariniveikau</i>	Turquoise tree skink
<i>Emoia nigra</i>	Pacific black skink
<i>Leiolopisma alazon</i>	Lauan ground skink

#### **PART 6 – MAMMALS**

<i>Emballonura semicaudata</i>	Polynesian sheath tailed bat
<i>Notopterus macdonaldi</i>	Fijian blossom bat
<i>Pteralopex acrodonta</i>	Taveuni flying fox

#### **PART 7 - FLORA**

<i>Family</i>	<i>Species</i>	<i>Common Name (English/Fijian)</i>
<i>Annonaceae</i>	<i>Polyalthia angustifolia</i>	
<i>Araucariaceae</i>	<i>Agathis vitiensis</i>	Nda kua/dakua makadre
<i>Caesalpiniaceae</i>	<i>Kingiodendron platycarpum</i>	Moivi
<i>Caesalpiniaceae</i>	<i>Storckiella vitiensis</i>	Vesida
<i>Clusiaceae</i>	<i>Garcinia pseudoguttifera</i>	<i>Bulu</i>
<i>Clusiaceae</i>	<i>Garcinia myrtiflora</i>	<i>laubu</i>
<i>Cornbretaceae</i>	<i>Terminalia vitiensis</i>	
<i>Cunoniaceae</i>	<i>Geissois ternate var 2</i>	<i>Vuga</i>
<i>Cunoniaceae</i>	<i>Vupaniopsis leptobotrys</i>	<i>Malawaci</i>
<i>Cunoniaceae</i>	<i>Weinmannia spiraeoides</i>	
<i>Cunoniaceae</i>	<i>Weinmannia vitiensis</i>	
<i>Degeneriaceae</i>	<i>Debeneria vitiensis</i>	<i>Masiratu</i>
<i>Euphorbiaceae</i>	<i>Bischofia javanica</i>	<i>Koka</i>
<i>Gonyhsrylaceae</i>	<i>Gonystylus punctatus</i>	<i>Mavota</i>

<i>Lauraceae</i>	Endiandra elaeocarpa	<i>Damabi</i>
<i>Malvaceae</i>	Hibiscus storckii	
<i>Melastomataceae</i>	Medinilla kandavuensis	
<i>Melastomataceae</i>	Astronidium floribundum	
<i>Melastomataceae</i>	Astronidium kasiense	<i>Rusila</i>
<i>Mimosaceae</i>	Acacia richii	<i>Qumu</i>
<i>Mimosaceae</i>	Mimosaceae spec.div	<i>Vavai-loa</i>
<i>Mimosaceae</i>	Mimosaceae spec.div	<i>Vavai-vula</i>
<i>Palmae</i>	Veitchia vitiensis	
<i>Palmae</i>	Veitchia filifera	
<i>Podocarpaceae</i>	Acropyle sahniana	nggmleve
<i>Podocarpaceae</i>	Dacrycarpus imbricatus	Amunu
<i>Podocarpaceae</i>	Decussicarpus vitiensis	Dakua salusalu
<i>Podocarpaceae</i>	Podocarpus neriifolius	Kuasi
<i>Podocarpaceae</i>	Dacrydium nidulum	Yaka
<i>Proteaceae</i>	Turrillia ferruginea	Kauceuti
<i>Proteaceae</i>	Turrillia vitiensis	Kauceuti
<i>Rhamnaceae</i>	Alphitonia zizyphoides	Doi
<i>Rubiaceae</i>	Gardenia vitiensis	Ndrenga, Ndrenga, Meilango
<i>Ruhiaceae</i>	Mastixiodendron robustum	Duvula
<i>Rubiaceae</i>	Gardenia vitiensis	Ndrenga meilago
<i>Suntalucceae</i>	Santatum yasi	Yasi
<i>Sapotaceae</i>	Manikara spec.div	Bausagali-damu
<i>Sapotaceae</i>	Manikara spec.div.	Bausagali-vula
<i>Sapotaceae</i>	Planchonella garberi	Sarosaro
<i>Sapotaceae</i>	Planchonella umbonata	Bauloa
<i>Sterculiaceae</i>	Sterculia vitiensis	Waciwaci
<i>Verbenaceae</i>	Gmelina vitiensis	Rosawa

---

## SCHEDULE 2

(Section 3)

### INDIGENOUS SPECIES NOT LISTED IN APPENDICES I TO III OR SCHEDULE I

#### PART 1 - FISHES

<i>Scientific name</i>	<i>Common name</i>
<i>Bathygobius petrophilus</i>	
<i>Cheilinus undulates</i>	Humphead wrasse

*Epinephalus lanceolatus*  
*Hippocampus kuda*  
*Lairdina hopletupus*  
*Meicanthus bundoon*  
*Parmops echinites*  
*Redigobius leveri*  
*Redigobius sp*  
*Signus uspi*

Giant Grouper  
Spotted seahorse

## **PART 2 - BIRDS (LANDBIRDS)**

*Aerodramus spodiopygia*  
*Anas superciliosa*  
*Aplonis tabuensis*  
*Ardea novaehollandiae*  
*Artamus mentalis*  
*Butorides striatus*  
*Cacomantis pyrrophanus*  
*Cettia ruficapilla*  
*Clytorhynchus vitiensis*  
*Columba vitiensis*  
*Ducala latrans*  
*Cucula pacifica*  
*Egretta sacra*  
*Erythrura pealii*  
*Foulehaio carunculata*  
*Gallirallus philippensis*  
*Gymnomyza viridis*  
*Halcyon chloris*  
*Hirundo tahitica*  
*Lalage maculosa*  
*Mayrornis lessoni*  
*Myiagra azureocapilla*  
*Myiagra vanikorensis*  
*Myzomela jugularis*  
*Pachycephala pectoralis*  
*Petroica multicolor*  
*Phigys solitarius*  
*Ptilinopus layardi*  
*Ptilinopus luteovirens*  
*Ptilinopus perousii*

White rumped swiftlet  
Pacific black duck  
Polynesian starling  
White faced heron  
Fiji woodswallow  
Mangrove heron  
Fan tailed cuckoo  
Fiji bush warbler  
Lesser shrikebill  
White throated pigeon  
Barking pigeon  
Pacific pigeon  
Reef heron  
Fiji parrotfinch  
Wattled honeyeater  
Banded rail  
Giant forest honeyeater  
White collared kingfisher  
Pacific swallow  
Polynesian triller  
Slaty monarch  
Blue crested broadbill  
Vanikoro broadbill  
Orange breasted myzomela  
Golden whistler  
Scarlet robin  
Collared lorry  
Whistling dove  
Golden dove  
Many coloured fruit dove

*Ptilinopus porphyraceus*  
*Ptilinopus victor*  
*Rhipidura personata*  
*Rhipidura spilodera*  
*Turdus poliocephalus*  
*Xanthotis provocator*  
*Zosterops exploratory*  
*Zosterops lateralis*

Crimson crowned fruit dove  
Orange dove  
Kadavu fantail  
Streaked fantail  
Island thrush  
Kadavu honeyeater  
Fiji white eyes  
Silvereye

### **PART 3 - REPTILES**

*Gehyra mutilata*  
*Gehyra oceanica*  
*Gehyra vorax*  
*Hemidactylus frenatus*  
*Hemidactylus garnotii*  
*Lepidodactylus gardineri*  
*Lepidodactylus lugubris*  
*Lepidodactylus manni*  
*Nactus pelagicus*

Stumped toed gecko  
Oceanic gecko  
Giant forest gecko  
House gecko  
Fox gecko  
Rotuman gecko  
Mourning gecko  
Mann's forest gecko  
Pacific slender toed gecko

### **PART 4- SKINKS**

*Cyrtoblepharus eximius*  
*Emoia caeruleocauda*  
*Emoia concolor*  
*Emoia cyanura*  
*Emoia impar*  
*Emoia parkeri*  
*Emoia trossula*  
*Lipinia noctua*

Pacific snake eyed gecko  
Blue tailed gecko  
Green tree skink  
Brown tailed cooper striped skink  
Blue tailed copper striped skink  
Fijian copper headed skink  
Dandy skink  
Moth skink

### **PART 5 - TERRESTRIAL SNAKES**

*Ramphotyphlops flaviventer*

Flowerpot snake

### **PART 6 – AMPHIBIANS**

*Platymantis vitiensis*

Fiji tree frog

## PART 7 – MAMMALS

*Fijian mastiff bat*

*Chaerophon bregullae*

## PART 8 – FLORA

<i>Family</i>	<i>Species</i>	<i>Common Name (English/Fijian)</i>
<i>Barringtoniaceae</i>	<i>Barringtonia asiatica</i>	Vutu
<i>Blechnaceae</i>	<i>Boodia brackenridgei</i>	
<i>Boraginaceae</i>	<i>Cordia subcordata</i>	Nawanawa
<i>Burseraceae</i>	<i>Canarium harveyi</i> var 1	Kaunicina
<i>Caesalpiniaceae</i>	<i>Cynometra insularis</i>	Cibicibi
<i>Caesalpiniaceae</i>	<i>Intsia bijuga</i>	Vesi
<i>Casuarinaceae</i>	<i>Gymnostoma vitiensis</i>	Velau
<i>Chrysobalanaceae</i>	<i>Parinari insularum</i>	Sa
<i>Clusiaceae</i>	<i>Calophyllum inophyllum</i>	Dilo
<i>Clusiaceae</i>	<i>Calophyllum vitiensis</i>	Damanu
<i>Combretaceae</i>	<i>Lumnitzera littorea</i>	Sagali
<i>Combretaceae</i>	<i>Terminalia capitanea</i>	Tiviloa
<i>Combretaceae</i>	<i>Terminalia luteola</i>	Mbausomi tivi
<i>Combretaceae</i>	<i>Terminalia psilantha</i>	Mbausomi
<i>Combretaceae</i>	<i>Terminalia pterocarpa</i>	Tivi
<i>Combretaceae</i>	<i>Terminalia simulans</i>	
<i>Combretaceae</i>	<i>Terminalia strigillosa.</i>	Tivi losi
<i>Cunoniaceae</i>	<i>Acsmithia vitiense</i>	
<i>Cunoniaceae</i>	<i>Geissois imthurnii</i>	Vure
<i>Cunoiniaceae</i>	<i>Geissois stipularis</i>	Vure
<i>Cunoniaceae</i>	<i>Geissois superba</i>	Vure
<i>Cunoniaceae</i>	<i>Geissois ternate</i>	
<i>Cunoniaceae</i>	<i>Geissois ternate</i>	
<i>Cunoniaceae</i>	<i>Spiraeanthemum graeffei</i>	Katakata, kutakuta, kutukutu
<i>Cunoniaceae</i>	<i>Spiraeanthemum serratum</i>	
<i>Cunoniaceae</i>	<i>Weinmannia exigua</i>	
<i>Cyatheaceae</i>	<i>Cyathea micropelidota</i>	
<i>Cyatheaceae</i>	<i>Cyathea plagiostegia</i>	
<i>Cycataceae</i>	<i>Cycas seemannii</i>	
<i>Degeneriaceae</i>	<i>Degeneria roseiflora</i>	Karawa yaranggele
<i>Euphorbiaceae</i>	<i>Endospermum robbianum</i>	Kauvula
<i>Gramineae</i>	<i>Ischaemum byrone</i>	Hilo Ischaemum
<i>Guttiferae</i>	<i>Calophyllum amblyphyllum</i>	Ndamanu

<i>Guttiferae</i>	Calophyllum leueocarpum	
<i>Guttiferae</i>	Garcinia adinantha	Raumba, mbulumanga, mbulumangaya lewa, mbulu
<i>Loganiaceae</i>	Geniostoma calcicola	
<i>Loganiaceae</i>	Geniostoma clavigerum	
<i>Loganiaceae</i>	Geniostoma stipulare	
<i>Loganiaceae</i>	Neuburgia macroloba	Vathea
<i>Melastomataceae</i>	Astronidium degeneri	
<i>Melastomataceae</i>	Astronidium inflatum	
<i>Melastomataceae</i>	Astronidium lepidotum	
<i>Melastomataceae</i>	Astronidium palladiflorum	
<i>Melastomataceae</i>	Astronidium saulae	
<i>Melastomataceae</i>	Astronidium sessile	
<i>Melastomataceae</i>	Mediniila deera	
<i>Melastomataceae</i>	Medinilla kambikambi	Kambikambi
<i>Melastomataceae</i>	Medinilla spectabilis	
<i>Melastomataceae</i>	Medinilla waterhousei	Tangimauthia, tekiteki vuina
<i>Motheawa</i>		
<i>Meliaceae</i>	Vavaea amicorunt	Cevua
<i>Meliaceae</i>	Xylocarpus granatum	Dabi
<i>Mimosaeae</i>	Samanea saman	Raintree
<i>Myristicaceae</i>	Myristica castaneifolia	Kaudamu
<i>Myrtaccae</i>	Cleistocalyx decussatus	Yasimoli
<i>Myrtaccae</i>	Cleistocalyx eugenioides	Yasiyasi
<i>Palmae</i>	Alsmiltia longipes	
<i>Palmae</i>	Balaka longirostris	
<i>Palmae</i>	Balaka macrocarpa	
<i>Palmae</i>	Balaka microcarpa	
<i>Palmae</i>	Balaka seemannii	
<i>Palmae</i>	Calamus vitiensis	
<i>Palmae</i>	Clinicistigma exorrhizum	
<i>Palmae</i>	Cyphosperma tangs	
<i>Palmae</i>	Cyphosperma trichospatdix	
<i>Palmae</i>	Gulubia microcarpa	
<i>Palmae</i>	Neuveitchia storckii	
<i>Palmae</i>	Physokentia rosea	
<i>Palmae</i>	Physeikentia thurstunii	
<i>Palmae</i>	Pritchardia thurstunii	
<i>Palmae</i>	Veitchia joannis	
<i>Palmae</i>	Veichia pedionoma	
<i>Palmae</i>	Veitchia petiolata	

<i>Palmae</i>	<i>Veitchia simulans</i>	
<i>Podocarpaceae</i>	<i>Dacrydium nausoriense</i>	Yaka, tangitangi
<i>Podocarpaceae</i>	<i>Podocarpus affinis</i>	
<i>Rubiaceae</i>	<i>Gardenia anapetes</i>	Tirikiloki
<i>Rubiaceae</i>	<i>Gardenia candida</i>	
<i>Rubiaceae</i>	<i>Gardenia grieviei</i>	Ndelandrega
<i>Rubiaceae</i>	<i>Gardenia hillii</i>	
<i>Rubiaceae</i>	<i>Guetcarda speciosa</i>	Buabua
<i>Rhizophoraceae</i>	<i>Bruguiera gymnorhiza</i>	Dogo
<i>Sapindaceae</i>	<i>Pometia pinnata</i>	Dawa
<i>Sapotaceae</i>	<i>Palayuium hornei</i>	Sacau
<i>Sapotaceae</i>	<i>Palayuium purphyreum</i>	Bauvudi
<i>Tiliaceae</i>	<i>Trichospermum richii</i>	Mako

---

Passed by the House of Representatives this 4th day of December 2002.

Passed by the Senate this 18th day of December 2002.