



# Fisheries Act: Section 9.

Fiji Environmental Law Association & Department of Fisheries  
Coastal Fisheries Management Legal Development Forum  
Tanoa Hotel: 11/02/2016.

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# 1. Section 9 – Fisheries Act.

The Minister may make regulations-

- (a) Prohibiting any practices or methods, or employment of equipment or devices or materials, which are likely to be injurious to the maintenance and development of a stock of fish.
- (b) Prescribing areas and seasons within which the taking of fish is prohibited or restricted, either entirely or with reference to any named species.
- (c) Prescribing limits to the size and weight of fish named species which may be taken;
- (d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in Fiji Fisheries waters or in any specified part thereof;

# 1. Section 9 – Fisheries Act.

The Minister may make regulations-

- (e) Regulating the procedure relating to the issue of and cancellation of licenses and the registration of fishing boats and prescribing the forms of application and licenses therefore and the conditions to be attached thereto;
- (f) Prescribing the fees to be charged upon the issue of licenses and the registration of fishing vessels which fees may differ as between British subjects and others;
- (g) Regulating any other matter relating to the conservation, protection and maintenance of a stock of fish which may be deemed requisite.



# Process /Systems of Obtaining Regulations:

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- Consultations with Stakeholders and CFRO's.
- Information/technical papers compiled with Support Letters from Agencies ( Govt, NGO;s, Civil Societies, CRFO's)
- Cabinet Paper Submission with Regulation via approval/ vetting from SGO's
- Approval from Cabinet Paper through Cabinet decision.
- Gazettal of Regulation.
- Draw up Management Plan and General Operating guideline ( Operation & Administration will take place for Marine Reserves).
- Use of PPP ( Private Public Partnership) : cost effective in terms of monitoring and surveillance.

## 2. Case Studies:

### 1. Revocation on the exemption of Underwater Breathing Apparatus (UBA).

(a) *“Prohibiting any practices or methods, or employment of equipment or devices or materials, which are likely to be injurious to the maintenance and development of a stock of fish.”*







## Social/Cultural

- In practice a single UBA exemption holder may have up to 2 working divers and up to 95 UBA bottles under exemption.
- Significant portion of patients treated for DCS continue to face health problems after the first treatment. 22% of UBA divers who after being treated for at least 3 – 6 months for Dive Compression Sickness (DCS) still returned to the Hyperbaric Unit for re-admittance and treatment.
- Majority of divers are providers for their families in many coastal communities. Many of the UBA divers in these incidents would encounter lifelong problems such as paralysis, body joint pains, chronic back pain and hearing disabilities.

# Economic

- Allowing UBA exemptions has cost society an estimated \$5.8m over three years.
- DCS Treatment for a few divers is over half a million per year. Average cost of hospitalization is \$515,000.00 per year.





## 2. Case Studies:

2. Moratorium on the Harvesting of Turtles and Commercial Sale of Varivoce (Humphead Wrasse).

*(a)Regulating any other matter relating to the conservation, protection and maintenance of a stock of fish which may be deemed requisite.*

### **TURTLES:**

#### **Na Vonu e kune e Viti**



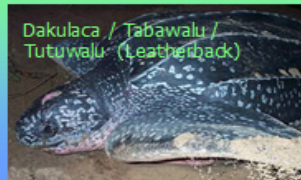
Vonua dina (Green Turtle)



Vonua laka (Hawksbill Turtle)



Va'Vonua (Loggerhead)



Dakulaca / Tabawalu /  
Tutuwalu (Leatherback)

- (i) 2002 – 2007 (1st Moratorium)
- (ii) 2008 – 2018 (2nd Moratorium)
- (iii) Penalty of \$500.00 or 3months imprisonment.
- (iv) Penalty of \$20,000.00 or 5 months imprisonment if found selling turtles or any part of a turtle.

**FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT**

No. 27

FRIDAY, 11th JUNE

2010

[LEGAL NOTICE No. 62]

FISHERIES ACT  
(CAP. 158)

**Fisheries (Protection of Turtles) (Amendment)  
Regulations 2010**

In exercise of the powers conferred upon me by Section 9(g) of the Fisheries Act, I hereby  
make these Regulations—

1.—(1) These Regulations may be cited as the Fisheries (Protection of Turtles)  
(Amendments) Regulations 2010.

(2) The Fisheries (Protection of Turtles) Regulations shall be referred to as the  
"Principal Regulations".

2. The Principal Regulation is amended in Regulation 20A—

i. sub regulation (1) by deleting paragraphs (a)–(c) and substituting—

- (a) "in any way molest, take or kill turtles of any species; or
- (b) sell, offer, or expose for sale or export any turtle shell, flesh or derivatives; or
- (c) dig up, use, take or destroy turtle eggs of any turtle species; or
- (d) use turtle, turtle derivatives, eggs or turtle shells for any purpose including education, research or tourism;
- (e) negatively impact turtle habitats."

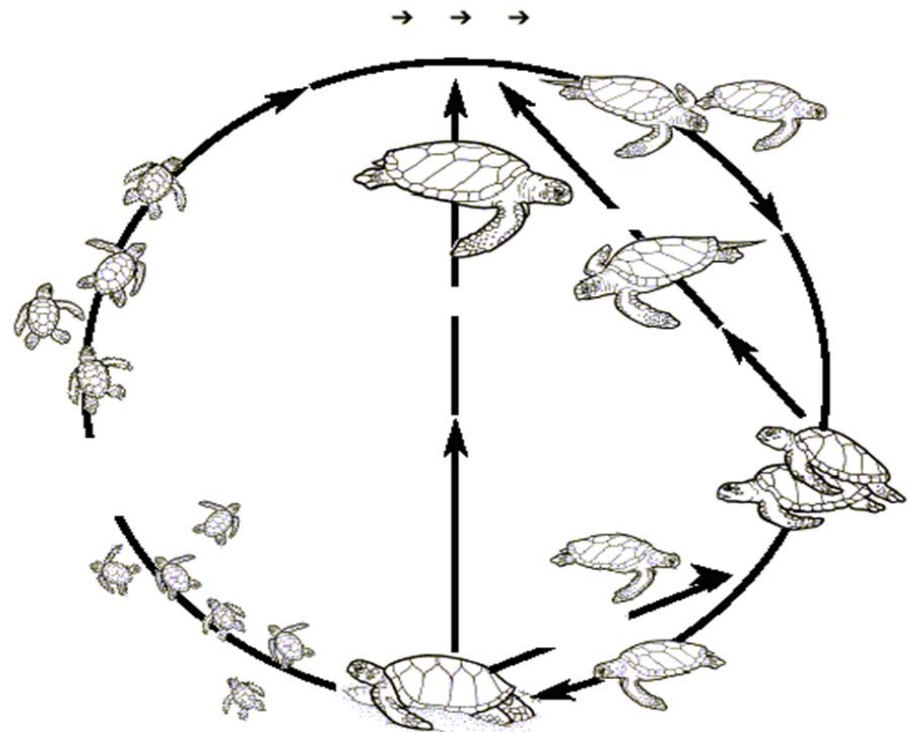
ii. sub regulation (3) by deleting "31st December 2008" and substituting "31st  
December 2018".

Dated this 26th day of May 2010.

J. COKANASIGA  
Minister for Primary Industries



## 2. Case Studies:



## 2. Case Studies:

HUMPHEAD WRASSE (VARIVOCE):





# LIFE CYCLE



Courtesy of John E. Randall  
Small juveniles (eg this 6 cm fish) typically live inshore

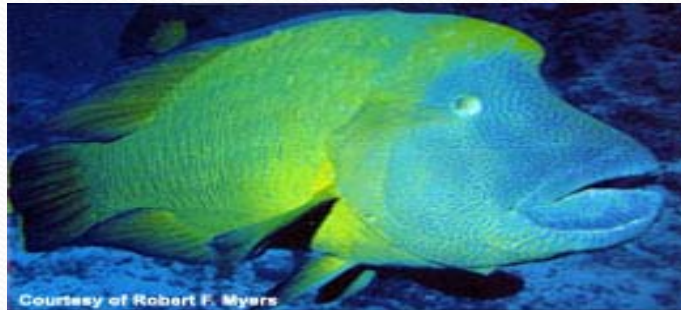
- CORAL RICH AREAS OF LAGOON REEFS



Courtesy of John E. Randall  
25 cm long juvenile live inshore



- MOVE TO DEEPER WATERS
- SEXUALLY IMMATURE



Courtesy of Robert F. Myers  
Large adult with distinctive humphead

- REEF DROP OFFS, CHANNEL SLOPES- 100 m
- CHANGE SEX (F to M)



Courtesy of John E. Randall  
Adult fish

- STEEP OUTER REEF SLOPES
- SEXUALLY MATURE 5 – 7 years: 35 – 50 cm



# Biological

- Species taken while still in juvenile





# Ecological

- Growing up to 6 FEET long (1.82 m) and Weigh up to 420 POUNDS (190.509kg)





## ☐ HUMPHEAD WRASSE MORATORIUM

### ☐ PENALTIES:

☐ FIRST OFFENCE- \$20,000

☐ 2<sup>nd</sup> OFFENCE: \$100,000 OR

☐ 5 years in Prison



## 2. Case Studies:

### 3. Fiji Sea Cucumber Management Plan.

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*(a) Prescribing limits to the size and weight of fish named species which may be taken;*

- Sandfish (Dairo) : protected for the purposes of Subsistence use.

Prohibited for export. Exemptions only through approval.



## 2. Case Studies:

### 3. Fiji Sea Cucumber Management Plan.



- (i) Size Limits by species.
- (ii) Species Quotas
- (iii) Levies
- (iv) Export License
- (v) No personal consignment
- (vi) Research (2kg)





# THANK YOU.

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