Fisheries Act: Section 9.

Fiji Environmental Law Association & Department of Fisheries
Coastal Fisheries Management Legal Development Forum
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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:

- 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.
- Gazetral 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:

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

**TURTLES:**

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

FISHES (Protection of Turtles) (Amendment) Regulations 2010

In exercise of the powers conferred upon me by Section 109 of the Fisheries Act, I hereby make these Regulations—

Clarity

1. (1) These Regulations may be cited as the Fishes (Protection of Turtles) (Amendment) Regulations 2010.

(2) The Fishes (Protection of Turtles) Regulations shall be referred to as the “Principal Regulations”.

Regulation 1 replaces

2. The Principal Regulation is amended in Regulation 20(a)—

(a) by deleting paragraph (5)(i) and substituting—

(b) “in any way possess, take or kill any of the following:

(i) all other or any part of any turtle shell, flesh or derivatives;

(c) dig up, move, take or destroy eggs of any turtle species;

(d) use turtle, turtle derivatives, egg or turtle shells for any purpose including education, research or training;

(e) regularly transport live turtles;”

3. by deleting “31st December 2006” and substituting “31st December 2015”.

Dated the 24th day of May, 2010.

J. COGANASIA
Minister for Primary Industries
2. Case Studies:
2. Case Studies:

HUMPHEAD WRASSE (VARIVOCE):
LIFE CYCLE

- CORAL RICH AREAS OF LAGOON REEFS

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

- MOVE TO DEEPER WATERS
- SEXUALLY IMMATURE

- 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

PENALITIES:
- FIRST OFFENCE - $20,000
- 2nd OFFENCE: $100,000 OR
- 5 years in Prison
2. Case Studies:


(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:


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