



Monitoring and Enforcement

The Aquaculture Decree gives the government broad powers to ensure any requirements it establishes under the Decree are obeyed. The Minister of Fisheries has the power to appoint officers to monitor, control and survey aquaculture activities. All license holders and their agents and employees must comply with the instructions and directions of authorised fisheries officers, and facilitate inspections the officers conduct.

Jurisdiction and Evidence

Liability of directors and managers

The Decree holds every director and manager of an aquaculture company or corporation convicted of an offence against the Decree guilty if they gave authority, permission, or consent for the unlawful act, or should have known that the offence was being committed and failed to take all reasonable steps to prevent or stop it.

Banning order

Anyone who is convicted of an offence against the Aquaculture Decree, or any regulation made under this Decree, and

is convicted of another aquaculture-related offence within seven years of the previous offence, may be banned from engaging in aquaculture and aquaculture-related activities for three years from the date of the most recent conviction.

Interference with evidence

Anyone who destroys, hides or abandons any item (including fish, aquaculture products, aquaculture gear, documents, explosives, or noxious substances) in order to avoid seizure will be liable for a fine of \$100,000.

Regulations

The Minister of Fisheries can establish regulations as needed for aquaculture and aquaculture-related activities. Regulations may potentially address all aspects of aquaculture, including licensing of people, fishing gear and other equipment used for aquaculture, and regulating the import, export distribution and marketing of aquaculture products, including live organisms.

What you need to know about Fiji's new fisheries laws



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A fact sheet for: Aquaculture Stakeholders



What you need to know about Fiji's new fisheries laws

The Government of Fiji is reviewing its fisheries laws. This fact sheet highlights some of the main points of Fiji's new Aquaculture Decree.

The main goal of the new Aquaculture Decree is to sustainably manage and develop Fiji's aquaculture activities so that they benefit the people of Fiji for many generations.

Fiji's Aquaculture Decree is expected to become effective in 2014. In the coming months and years, the Government of Fiji will be determining what specific actions to take as it begins to implement the Decree. Aquaculture stakeholders should be aware of the goals of the Decree, and stay in contact with the Fiji Fisheries Department to learn about new requirements as these are developed by the government.



What does "aquaculture" include?

The new Aquaculture Decree states that aquaculture is:

the cultivation, propagation or farming of aquatic organisms, whether from eggs, spawn, spat or seed, including rearing aquatic organisms lawfully taken from the wild or lawfully imported into Fiji 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 declared by the Minister not to be aquaculture.

The Aquaculture Decree covers all activities - undertaken in either fresh or salt water - involving the growing or farming of aquatic organisms (plants and animals), including:

- seaweed
- shellfish (pearls, trochus)
- fish (tilapia, carp, milkfish)
- prawns
- sea cucumbers
- marine ornamentals (coral, giant clams)

Why are these new aquaculture laws necessary?

Fiji's population - and the population of the rest of the Pacific - has been growing rapidly for many years, and is placing increasing pressure on fish stocks. There are signs that some nearshore fish and shellfish stocks are already being severely over-harvested. This demand for fish means that in the future, Fiji and other Pacific Island countries will be unable to get all of the fish they need from wild coastal fisheries, even if these are well-managed. This problem will be made worse by higher seawater temperatures (a result of climate change), which are expected to damage coral reefs and reduce populations of fish and other species that depend on the reefs. Many people in Fiji rely on fish for fresh protein, and it is important to ensure that fish continue to be available. Aquaculture can help provide households with ready access to fish, and can help those who are engaged in aquaculture to earn cash. Fiji's current Fisheries Act (Cap 158) did not address aquaculture. It is now a rapidly growing industry, and it is important that everyone involved

in aquaculture observe the new Aquaculture Decree, so that fish and shellfish farming can produce food for many generations of Fijians.

Who is affected by the new fisheries laws?

The Aquaculture Decree will affect a number of people who directly cultivate aquatic plants and animals, or are otherwise involved in saltwater and freshwater aquaculture, including:

- small-scale and large-scale aquaculture farmers;
- feed suppliers and companies;
- investors; and
- importers and exporters of aquaculture-grown fish, shellfish and marine plants.

What are the main points of the new Decree?

While everyone involved in aquaculture should read the full Aquaculture Decree, there are a number of points that are particularly important for stakeholders to be aware of. They are listed below by subject.

Administrative

Under the new Aquaculture Decree, an Advisory Council will be formed, and will include representatives of the aquaculture industry, non-governmental organisations with an interest in aquaculture, and government representatives. The Advisory Council will advise the Minister of Fisheries on:

- policy matters relating to aquaculture;
- policies that govern (or should govern) the administration of this Decree; and
- proposals to make regulations under this Decree, or to make amendments to this Decree.

The Decree also calls for committees to be established to advise the Permanent Secretary on aquaculture leases and licensing, and scientific issues related to aquaculture.

Aquaculture Management and Development

Under the new Aquaculture Decree, the Government of Fiji (through the Minister of Fisheries) can designate an Aquaculture Area if the area is

important to the national interest, and if management measures are needed to ensure the sustainable use of resources within the area. The government can also declare areas where aquaculture or aquaculture-related activities are prohibited, and anyone caught engaging in aquaculture or aquaculture-related activities in these areas may be liable for a fine of up to \$100,000.

A person can make an application to the Minister of Fisheries to have an area designated as an Aquaculture Area.

Leases and Licences

The Decree states that no one can carry out aquaculture activities unless:

- 1) the area is part of a valid aquaculture lease or equivalent authorisation; and
- 2) they possess an aquaculture licence granted by the Permanent Secretary.

The government can issue regulations that set out the terms and conditions for aquaculture licences, and impose specific conditions for individual licenses or license holders.

Anyone granted an aquaculture licence cannot give or transfer their licence to someone else unless the transfer is approved by the Permanent Secretary. An aquaculture licence may be granted for 15 years, and can be renewed for longer periods.

The Decree describes the reasons for which a licence can be terminated, cancelled or suspended. If a person feels they have been wrongfully refused a licence or the renewal of a licence, the Decree allows that person to appeal to the Minister of Fisheries.

Trade of Aquaculture Products

The Decree clearly states that it is illegal to introduce, import, possess, culture, sell or export any restricted aquaculture product without the written authorisation of the Permanent Secretary. Restricted products include (but are not limited to) genetically modified organisms and live aquatic organisms.

The Decree requires people, companies, or formal arrangements involved in aquaculture or trading in aquaculture organisms or products to register annually with the Ministry of Fisheries.

