

BILL NO. 33 OF 2025

A BILL

FOR AN ACT TO AMEND THE FISHERIES ACT 1941

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Fisheries (Amendment) Act 2025.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Fisheries Act 1941 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by—

(a) inserting the following new definitions—

““authorised officer” means an officer appointed under section 6A and includes a fisheries officer, licensing officer, police officer, customs officer, and any other officer appointed by the Minister;”;

““fishing gear” means any equipment used or intended for the purposes of taking fish and includes fishing lines, hooks, nets, spears, reels and line or net haulers, that are manually, hydraulically or otherwise assisted by mechanical or electrical means;”;

““owner” in relation to a fishing vessel or company, means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any power or duty of an owner whether on his or her own behalf or on behalf of another, and includes a person who is the owner jointly with any other person or persons and any manager, director or secretary of a body corporate or company;”;

““penalty notice” means the Inshore Fisheries Fixed Penalty Notice issued under section 8B;”;

““person” means any natural person or business enterprise and includes, but not limited to, a corporation, partnership, co-operative, association, government and any of its subdivisions or agencies;”;

““vessel” means any boat, ship or other water-going craft which is used for or equipped to be used for or of a type normally used for taking fish;”;

(b) deleting the definition of “fish” and substituting the following—

““fish” means any aquatic plant or animal, whether piscine or not, and includes any oyster or other mollusc, crustacean, coral, sponge, holothurian (beche-de-mer), or other echinoderm, turtle and aquatic mammal, species of cetaceans, and includes their eggs, spawn, spat and all juvenile stages, and any of their parts;”;

(c) deleting the definition of “fishing vessel” and substituting the following—

““fishing vessel” means any boat, ship or other water-going craft which is used for or equipped to be used for or of a type normally used for taking fish;”;

(d) deleting the definition of “taking fish” and substituting the following—

““taking fish” means—

- (a) searching for, catching, taking or harvesting fish;
- (b) the attempted searching for, catching, taking or harvesting of fish;
- (c) engaging in any activity which can reasonably be expected to result in the locating, catching or harvesting of fish; or
- (d) any operation at sea in support of or in preparation for any activity described in paragraphs (a) to (c).”.

Section 3 amended

3. Section 3 of the Principal Act is amended by deleting “honorary” wherever it appears.

Section 6A inserted

4. The Principal Act is amended after section 6 by inserting the following new section—

“Appointment of authorised officers

6A. The Minister may appoint any person or category of persons to be an authorised officer for the purposes of this Act.”.

Section 7 amended

5. The Principal Act is amended by deleting section 7 and substituting the following—

“Powers of search, examination and detention

7.—(1) Any authorised officer may —

- (a) require any person engaged in taking fish to exhibit his or her licence, fishing gear and fish;
- (b) enter any premises or go on board any vessel or craft reasonably believed to be engaged in taking fish and search and examine any fish and fishing gear; or
- (c) where there is reasonable suspicion that an offence has been committed, take the alleged offender, and as appropriate, the vessel, craft, fishing gear, fish, without summons, warrant or other process, to the nearest police station or port.

(2) The vessel and fishing gear may be detained pending trial of the offender and the fish may be sold and the proceeds of the sale detained pending such trial and thereafter any vessel, fishing gear or money detained must, unless forfeited, be returned to the person from whom the same was taken.

(3) Notwithstanding subsection (2), the Permanent Secretary responsible for fisheries may authorise the release of such vessel, and fishing gear upon the payment of—

- (a) a reasonable bond or other security in the amount, form and manner prescribed; or
- (b) a fixed penalty issued under section 8B.

(4) Any person who refuses to permit an authorised officer in subsection (1) to enter a premise or board a vessel or craft engaged in taking fish or obstructs or hinders the authorised officer in the course of entry or boarding or in the course of otherwise executing his or her duties commits an offence and is liable on conviction to—

- (a) in the case of a natural person, a fine not exceeding \$20,000 or imprisonment for a term not exceeding 3 months or both; or
- (b) in the case of a body corporate, a fine not exceeding \$50,000.”.

Section 8 amended

6. The Principal Act is amended by deleting section 8 and substituting the following—

“Suspension or cancellation of licence

8.—(1) The Permanent Secretary may suspend or cancel a licence on any of the grounds set out in subsection (2), or on such grounds as may be prescribed.

(2) A licence may be suspended or cancelled where the Permanent Secretary, is satisfied that—

- (a) a person or vessel in respect of which the licence has been issued has been used in contravention of this Act or of any condition of the licence;
- (b) payment has not been made and is overdue for any charge and compensation required under this Act or for any penalty, fine or other determination imposed pursuant to this Act; or
- (c) the licence holder has been convicted of an offence under this Act or any other law.

(3) Where a fishing licence has been suspended or cancelled under this section, notification of the suspension or cancellation must be given to the person to whom the licence was issued.

(4) Any notification must be in writing and include the grounds for suspension or cancellation.”.

Sections 8A, 8B and 8C inserted

7. The Principal Act is amended after section 8 by inserting the following new sections—

“Appeals

8A. Any person affected and aggrieved by—

- (a) the refusal of a licensing officer to issue or renew a licence in accordance with this Act; or
- (b) the suspension or cancellation of a licence issued to a person or a fishing vessel in accordance with section 8,

may, within 30 days of the receipt of notification of that decision, appeal against the decision to the Minister.

Inshore Fisheries Fixed Penalty Notice

8B.—(1) An authorised officer may —

- (a) issue a penalty notice set out in the prescribed form; or
- (b) institute legal proceedings,

against a person for any offence committed under this Act.

(2) Pursuant to subsection (1), where a penalty notice served upon a person is not complied with within 21 days of the penalty notice being issued, the notice must be regarded for all purposes as a summon issued under the Criminal Procedure Act 2009.

(3) An authorised officer who issues a penalty notice under subsection (1) must notify the Permanent Secretary in writing within 14 days of the issuance of such notice.

Proceedings of issuance of a penalty notice

8C.—(1) Notwithstanding any other requirement of the Criminal Procedure Act 2009, an authorised officer may institute proceedings in respect of the alleged commission of an offence by serving personally upon the person alleged by him or her to have committed the offence, a penalty notice as prescribed.

(2) A penalty notice must—

- (a) state the place, date and time of alleged offence;
- (b) state the name and address of the person to whom the notice is issued;
- (c) notify the person to whom the notice is issued when and where the fixed penalty may be paid;
- (d) require the person to whom the penalty notice is issued to pay the amount due within 21 days and in the event of failure to pay the fixed penalty, legal proceedings shall be instituted within the next 14 days and the person may have a barrister and solicitor to represent them or enter a written guilty plea;
- (e) notify the person to whom the penalty notice is issued that, in case of default in payment within the time specified in the penalty notice, the court may, if the person is found guilty by the court, impose a penalty which is more than the fixed penalty for the offence or if unable to pay, apply section 37(1) and (2) of the Sentencing and Penalties Act 2009; and
- (f) bear the date on which it was served on the person charged as the case requires.

(3) The authorised officer who issues a penalty notice must cause a signed copy of the penalty notice to be placed before the court not later than 7 days after the date of the notice.

(4) Nothing in this section must be taken to prevent the institution of proceedings under any other provision of this Act.”.

Section 9 amended

8. Section 9 of the Principal Act is amended by deleting paragraphs (f) and (g) and inserting the following—

- “(f) prescribing specific powers and functions of authorised officers, the form of identification, procedures for the conduct of inspections and related matters;
- (g) prescribing offences to which a penalty notice apply and related penalties for such offences;
- (h) prescribing the fees to be charged upon the issue of licences and the registration of fishing vessels and companies;
- (i) prescribing penalties for any offence in any regulations to a fine not exceeding \$30,000 or to a term of imprisonment not exceeding one year or both and, where the offence is a continuing one, a further fine not exceeding \$1,000 for every day that the offence has continued; and
- (j) prescribing any other matter, which is required or authorised to be prescribed by this Act.”.

Section 10 amended

9. Section 10 of the Principal Act is amended by deleting subsection (2) and substituting the following—

“(2) Any person who—

- (a) being the holder of a licence under this Act, fails to comply with any of the conditions of his or her licence; or
- (b) commits any offence under this Act for which no other penalty is prescribed,

is liable on conviction to imprisonment for 6 months or to a fine of \$1,000 or both.”.

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FISHERIES (AMENDMENT) BILL 2025

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Fisheries Act 1941 (**‘Act’**) outlines the legal framework for the regulation, licensing, and enforcement of fishing activities within Fiji’s territorial and economic waters, including provisions for vessel registration, licensing requirements, prohibited fishing methods, and penalties for violations.
- 1.2 Under the Act, enforcement is carried out by officers, including police, licensing officers, and honorary fish wardens, who may inspect licences, board vessels, and detain offenders and equipment without a warrant. Offences such as obstruction or fishing violations can lead to fines, imprisonment, or cancellation of licences, with vessels and catch subject to forfeiture upon conviction.
- 1.3 The Act, however, lacks the management and compliance aspects needed to meet the present demands of the coastal fisheries sector in Fiji.
- 1.4 The Fisheries (Amendment) Bill 2025 (**‘Bill’**) modernises the enforcement and compliance framework by introducing the issuance of an inshore fisheries fixed penalty notice (**‘penalty notice’**) as a first tier of deterrence against non-compliance, apart from prosecution of offences in court. It strengthens deterrence and efficiency through higher penalties, continuing offence fines, and improved oversight aligned with Fiji’s current criminal procedure and sentencing laws.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

- 2.2 Clause 2 of the Bill amends section 2 of the Act to introduce new definitions of “authorised officer”, “fishing gear”, “owner”, “penalty notice”, “person” and “vessel”, and amending the definitions of “fish”, “fishing vessel” and “taking fish”.
- 2.3 Clause 3 of the Bill amends section 3 of the Act by deleting “honorary” wherever it appears.
- 2.4 Clause 4 of the Bill provides for the Minister’s power to appoint authorised officers.
- 2.5 Clause 5 of the Bill amends section 7 of the Act to provide for the powers of search, examination and detention of authorised officers.
- 2.6 Clause 6 of the Bill provides for the power to cancel or suspend a licence and sets out the grounds on which such cancellation or suspension may occur.
- 2.7 Clause 7 of the Bill introduces an appeal provision which allows an aggrieved person to appeal to the Minister responsible for fisheries in circumstances where a licence has not been issued or renewed, or where a licence has been suspended or cancelled. Clause 6 of the Bill also introduces a penalty notice provision which will apply to specific offences prescribed in the regulations. It further provides the procedures to be followed in the issuance of the penalty notice.
- 2.8 Clause 8 of the Bill adds specific regulation making powers, in particular, for specific powers and functions of authorised officers, prescribing offences to which penalty notices apply and respective penalties for such offences, prescribing fees for licences and the registration of fishing vessels and companies, setting penalty limits for offences in the regulations, and prescribing any other matter that is required under the Act.
- 2.9 Clause 9 of the Bill amends section 10(2) of the Act by increasing the penalties for failure to comply with the conditions of a licence.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for fisheries.

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