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Report: Summaries and comments on legislative and regulatory mechanisms that could relate to reef passages and their protection in Fiji

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Introduction

Reef passages are natural channels and openings that connect sheltered coastal waters and lagoons to the open ocean. They allow water to flow between the ocean and lagoons, enable the movement of marine organisms, and are often used by boats to enter and exit coastal areas. Reef passages are thus important for transportation, fishing, and marine life. They also have a cultural and customary significance in many places, as sites of local ecological knowledge and customary management practices, among others. They are therefore to be considered as social-ecological keystone places.¹

My aim was to examine various laws and acts in Fiji to see how they contribute, directly or indirectly, to the preservation of reef passages. As part of the [research project SOCPacific2R](#), I therefore reviewed Fijian legislative and regulatory mechanisms about the environment, sea, fisheries, land, pollution, and climate change. This document presents the results of this review. It is divided into four sections (A, B, C and D), representing four major documents that refer to multiple laws and acts in Fiji and that have guided my work.

Methodology

The selection of the 27 specific laws and acts included in this review was based on readings of four important documents, namely: Summary of Legislative and Regulatory Mechanisms for the Protection of Coral Reefs and Associated Ecosystems proposed by the International Coral Reef Initiative (ICRI)²; National Biodiversity Strategy and Action Plan for Fiji 2020-2025³; National Protected Areas Legislation for the Republic of Fiji Islands⁴; Blue Prosperity Fiji 2023 Ocean Science Expedition Final Science Report⁵. The below-mentioned laws and acts are therefore divided into four section (A, B, C, D) corresponding to these four documents. I divided the review of the two first documents (sections A and B) into four and three sub-sections, respectively, according to the focus of the legislations they refer to (for example “Main Legal Frameworks” is the first sub-section of Section A, while “Environmental Protection and Biosecurity” is the first sub-section of Section B).

Most of the laws and acts included in this review were downloaded from the website of the Pacific Islands Legal Information Institute of Fiji, and some were collected from the organization’s website. They were carefully read, then summarized, and comments were added to explain whether and how they can help protect reef passages.

¹ For more information: https://socpacific.link/wp-content/uploads/2026/02/Factsheet-23Feb26_English.pdf

² <https://icriforum.org/wp-content/uploads/2021/05/ICRI-SUMMARY-FIDJI.pdf>

³ <https://www.cbd.int/doc/world/fj/fj-nbsap-v2-en.pdf>

⁴ https://library.sprep.org/sites/default/files/130_2.pdf

⁵ <https://www.blueprosperityfiji.org/expedition>

A. Legislations mentioned in the above-mentioned summary proposed by ICRI

1. Main Legal Frameworks

- Constitution of the Republic of Fiji 2013
<https://www.pacii.org/fj/Fiji-Constitution-English-2013.pdf>

Summary:

The Constitution is the supreme law of the nation; it does not specifically mention reef passages. However, in Chapter 2 (Bill of Rights), Article 40(1), under the Environmental rights, it states that: “Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures” (page 25). In summary, the constitution states that everyone has the right to a clean and healthy environment, and that the government must protect the environment by establishing laws for the sake of the present and future generations.

Comment:

Reef passages are not directly mentioned in the constitution. However, since they are part of Fiji’s natural environment, they fall under the “environment” that must be protected by the constitution and its laws and other measures.

- Continental Shelf Act 1970
https://www.pacii.org/fj/legis/consol_act_OK/csa182/

Summary:

It is mentioned in the long title that it is “an Act to make provision for the protection, exploration and exploitation of the natural resources of the continental shelf of Fiji and of areas within the territorial limits of Fiji and for matters connected with that purpose”. It is basically an Act focused on the natural resources located on or beneath the continental shelf, like oil and minerals, where it is to be controlled by the government of Fiji. It gives the government ownership and authority over the continental shelf seabed resources, the power to explore and extract these natural resources, and they grant also the permits or licenses for such activities. Without government permission, no individual or business is permitted to explore or use these resources. As such, to control these activities, the government can create laws.

Comment:

The Continental Shelf Act does not specifically mention reef passages. It is mainly focused on regulating the exploration and use of natural resources on or beneath the continental shelf. While the Act gives the government the power to regulate operations on the continental shelf, it does not address the importance of reef passages nor does it offer legal protection. However, the Act indirectly applies to marine areas that may contain reef ecosystems, including reef passages.

- Petroleum (Exploration and Exploitation) Act 1978
<https://www.laws.gov.fj/Acts/DisplayAct/3034> or <https://faolex.fao.org/docs/pdf/fij50787.pdf>

Summary:

As mentioned in the long title on page 4, it is “an Act to make provision relating to the exploration for and exploitation of petroleum resources and for purposes connected therewith”. It is basically an Act established

to control and manage the exploration and exploitation of petroleum, make sure that petroleum operations are carried out lawfully and within the authority of the government, develop a procedure for giving permits and licenses, and protect the state's interest in petroleum resources.

Comment:

The Petroleum (Exploration and Exploitation) Act does not specifically mention reef passages. However, if there is drilling and petroleum exploration and exploitation in coastal and offshore locations, the Act could be applied. Drilling, seismic testing, and unintentional oil spills are a few examples of activities that have the potential to harm marine ecosystems, especially reef passages. If petroleum operations are permitted close to or surrounding reef ecosystems, reef passages may be in danger. So reef passages are indirectly protected by the Act, which governs petroleum operations through licensing and government control.

2. Land-Based Laws

- Pesticides Act 1972

http://www.paclii.org/cgi-bin/sinodisp/fj/legis/consol_act/pa120/pa120.html?stem=&synonyms=&query=pesticides%20act

Summary:

As mentioned in the long title, it is “an Act to regulate the registration and sale of pesticides”. It was established to register, regulate, and label the use, sale, and distribution of pesticides in Fiji, in order to prevent harmful impacts on the environment and human health. It also gives inspectors the power to conduct inspections, keep an eye on pesticide use, and enforce the legislation.

Comment:

The Pesticides Act does not specifically mention reef passages, but it could indirectly relate to them. Pesticides applied on land might enter rivers through rainfall and eventually find their way into coastal waters. Reef passages may be impacted by this toxic discharge, endangering fish, corals, and other important marine life. The Act reduces the possibility of harming marine ecosystems and environment pollution by regulating the use, sale, and handling of pesticides. The Act, in this way, only protects reef passages through environmental control; it does not provide reef passages with direct legal protection.

- Civil Aviation Act 1976 (Revised edition 2016)

<https://www.caaf.org.fj/wp-content/uploads/2024/11/Civil-Aviation-Act-1976.pdf>

Summary:

As mentioned in the long title on page 5, it is “an act to make better provision for the regulation and control of civil aviation in Fiji and matters incidental thereto”. So, it is basically a law that regulates aviation safety, airports, and aircraft operations inside Fijian airspace.

Comment:

With focus on aviation safety, the Civil Aviation Act does not directly apply to reef passages. However, it can indirectly apply if aircraft operations have an impact on coastal or marine areas, like low-flying aircraft or helicopters, emergency landings, or airport operations that are near the coast.

- Litter Promulgation 2008

http://www.paclii.org/cgi-bin/sinodisp/fj/legis/num_act/lp2008227/lp2008227.html?stem=&synonyms=&query=Litter%20Promulgation%202008

Summary:

It is a law that is established “to prohibit and regulate the deposit of litter in the environment of the Fiji Islands and to provide for enforcement and related matters”, as mentioned in the long title of the Act. Basically, this law bans littering and imposes fines and penalties on individuals, companies, and councils for inappropriately disposing of trash in public areas.

Comment:

The Litter Promulgation 2008 does not specifically mention reef passages, but it could apply to them indirectly. Indeed, it states in Section 2 (a) – (e) that coastal areas, waterways, or the environment are public areas, where littering is banned. So even though it does not specifically concern reef passages, it may still be effective to protect them from the deposit of litter, and from people dumping trash into the ocean or along coastlines, which then washes up on reef passages. This means that while the law does not manage or govern reef passages themselves, it does contribute to their protection by preventing pollution and trash.

3. Marine Safety and Navigation Laws

- Sea Ports Management Act 2005

<https://fijiports.com.fj/wp-content/uploads/2024/03/Sea-Ports-Management-Act-2005.pdf>

Summary:

As mentioned in the long title on page 3 it is “an act to repeal the maritime and ports authority of the Fiji Islands Act and to make provision for the administration of sea ports and for related matters”. It sets the rules on how Fiji’s sea ports are managed. It replaced the previous government-run port system (Port Authority Act Cap181) with a more commercial approach, where businesses like Fiji Ports Corporation Ltd manage the ports while following the law. Operating the ports, directing ships, granting licenses, collecting fees, managing assets, and maintaining port security are all covered by the Act.

Comment:

The Sea Ports Management Act 2005 does not specifically mention reef passages. However, this Act indirectly protects the reef passages because it controls how ships move in and out of ports, and since reef passages are natural channels that ships use to enter and exit lagoons and sometimes port areas, it helps ensure that these reef passages are used safely.

- Maritime Transport Act 2013

<https://www.msaf.com.fj/wp-content/uploads/2020/12/Maritime-Transport-Act-2013-Consolidated-V2-September-2017-Issued-min-1.pdf>

Summary:

As mentioned in the long title on page 9, it is “an Act for the implementation of Fiji’s obligations under the International Maritime Organization (IMO) Conventions and to ensure that participants in the maritime transport system are responsible for their action and to consolidate related maritime laws including the protection of the marine environment and for related matters”. It is basically an Act established to control

Fiji's shipping and maritime operations to protect the environment and avoid marine pollution. The ships are required to comply to operating and safety regulations. The Act governs ship licensing and registration; it also has regulations to stop oil spills and discharge, among other forms of marine pollution. Authorities can conduct ship inspections and demand cooperation. Violating environmental or maritime safety regulations carries penalties.

Comment:

The Maritime Transport Act does not specifically mention reef passages. However, it remains important for them because it regulates ship operations in Fiji's waters and helps prevent marine pollution, like waste discharge and oil spills. This Act reduces the possibility of harming coral reefs and passages due to the fact that ships frequently navigate through or close to them.

- Ship Registration Act 2013

<https://www.msaf.com.fj/wp-content/uploads/2020/12/Ship-Registration-Act-2013-Consolidated-V3-September-2017-Issued-min.pdf> or <https://www.laws.gov.fj/Acts/DisplayAct/568>

Summary:

As mentioned in the long title on page 3, it is an Act “to provide for the registration of ships in Fiji and related matters”. It was established to ensure that ships are appropriately registered, identified, and managed. So basically, for ships to legally fly the flag of Fiji, they must be formally registered. The registered ships are given identification information and registration certificates. After 2013, decrees become Acts due to the new system of law, but it is still commonly known as the Ship Registration Decree, the only difference is that, instead of a Decree it is an Act. It establishes guidelines for ship ownership, registration, and transfer. The registered vessels are monitored and regulated by authorities, and as such this Act makes sure that ships follow legal and maritime safety regulations.

Comment:

The Ship Registration Act does not specifically mention reef passages. It is more focused on registering and identifying ships, rather than protecting marine habitats. However, the Act promotes marine control and accountability by making sure that ships are appropriately registered and regulated. The Act can indirectly protect reef passages by holding ship owners legally accountable for their vessels, mainly in cases of marine pollution or environmental damage.

4. Marine Protection Laws

- Fisheries Act 1942 (Revised edition 1991)

https://www.paclii.org/fj/legis/consol_act_OK/fa110/

Summary:

As stated in the long title it is “an act to make provision for the regulation of fishing”. It is basically a law that regulates fishing, marine resources, and fish stock management in order to guarantee their sustainable use and future conservation.

Comment:

The Fisheries Act does not specifically mention reef passages. However, reefs and reef passages are included in the coastal and marine areas covered by the Act. It assists in protecting reef passages by controlling activities like fishing, coral collecting, and disturbing marine habitats. It also allows the

government to impose penalties, provide licenses, and impose limitations on illegal activities that might endanger reef environments or fisheries.

- Marine Spaces Act 1978

<https://macbio-pacific.info/wp-content/uploads/2017/08/Marine-Spaces-Act-1978.pdf>

Summary:

This Act explains where the marine areas for Fiji are and its responsibility or its legal control over them. Section 9 states: “(1) The sovereignty of Fiji extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder. (2) Within the exclusive economic zone Fiji has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters. (3) The exercise by Fiji of its sovereignty and sovereign rights under the provisions of this section is subject to the rules of international law”. In summary, Fiji is in charge of its sea/ocean areas. It gives the government the responsibility to use, look after, and protect marine ecosystems and resources like reefs and fish, but it also reminds Fiji to act conscientiously and follow international law when doing so.

Comment:

Reef passages are not mentioned by name in this Act, but under section 9, reef passages are protected because of their location (in archipelagic waters or territorial seas), and the natural resources they host/provide. In case a boundary consists of a reef, the reef and any passage through it, shall be considered as belonging to the territorial seas and therefore be legally covered.

- Endangered and Protected Species Act 2002

<https://www.mowe.gov.fj/wp-content/uploads/2019/08/EPS-Act-2002.pdf>

Summary:

As stated in the long title on page 3, it is “an act to regulate and control the international trade, domestic trade, possession and transportation of species protected under the convention of international trade in endangered species of wild fauna and flora (cites) and for related matters”. This Act basically protects the animals and plants that face extinction. It helps ensure the safety of these species’ habitats, and prevents individuals from injuring, hunting, or trading them without authorization.

Comment:

The Endangered and Protected Species Act does not specifically mention reef passages, it is more focused on the protection of endangered and protected species. However, since reef passages are used by many marine species for migration, feeding or habitat, the Act could prevent any activity that is carried out in the reef passages and that could harm or disturb these protected species without a permit. As such, it protects some of the species that depend on reef passages.

- Environment Management Act 2005

http://www.pacii.org/cgi-bin/sinodisp/fj/legis/num_act/ema2005242/ema2005242.html?stem=&synonyms=&query=environment%20management%20act%202005

Summary:

As mentioned in the long title, it is an Act “for the protection of the natural resources and for the control and management of developments, waste management of developments, waste management and pollution control and for the establishment of a national environment council and for related matters”. It basically aims to manage, preserve, and safeguard Fiji’s environment. It establishes regulations for actions that might harm the environment and allows government organizations the authority to monitor, regulate, and enforce environmental standards.

Comment:

The Environment Management Act, in Part 1, page 5, when defining the concept of “Land” mentions “passageways”, among watercourses, foreshore, seabed, gardens, mines and buildings. In Part 2, page 38, it mentions “natural pass or channels”, among other environmental bodies, as to be protected by an Environmental Impact Assessment (EIA). So it seems that this Act refers to reef passages when using these terms. The Environment Impact Assessment of the Ministry of Waterways & Environment “aims to predict environmental impacts at an early stage in project planning and design, find ways to reduce adverse impacts and shape projects to suit the local environment.”⁶ This means that any proposal that could lead to the damage of a reef passage requires an EIA for the approval of the project.

Concerning pollution offences (p. 30), the Act declares also that it is illegal to pollute or damage coastal or marine environments, thus including reef passages. If there is an event that damages a reef passage (like oil spills), it becomes a pollution incident. The Department of Environment can then investigate and prosecute, and apply serious penalties like fines or imprisonment.

- Offshore Fisheries Management Decree 2012

http://www.paclii.org/cgi-bin/sinodisp/fj/legis/num_act/ofmd2012290/ofmd2012290.html?stem=&synonyms=&query=Offshore%20fisheries%20management%20decree%202012

Summary:

As stated in the long title, it is a law established “to make provision for the management, development and sustainable use of fisheries and living marine resources of the Republic of Fiji and for related matters”. It basically modernizes and governs commercial and offshore fishing operations in the country. It covers licensing, conservation, monitoring, and enforcement of fishing methods.

Comment:

The Offshore Management Decree does not directly apply to reef passages. It concentrates on managing and conserving fisheries in Fiji’s territorial sea, offshore waterways, internal waters, and exclusive economic zone. However, it indirectly protects reefs in Part 4 of the document,⁷ which organizes the Fisheries Conservation, Management and Development. It also regulates, still in Part 4, exploratory fishing, prohibited fishing methods, and driftnet fishing activities. Exploratory fishing is done for commercial purpose; the government can refuse permission or stop the operation if it harms marine ecosystems, like reef passages. Prohibiting fishing methods (such as poison, explosives, and noxious substance) that is intended to harm or kill fish, so that it can be caught easily, is labeled as an offence. This Decree helps protect reef passages by prohibiting the use of destructive fishing methods that could harm them and their

⁶ Ministry of Waterways & Environment, *Environment Impact Assessment* (Ministry of Waterways & Environment Fiji, 2026) <https://www.mowe.gov.fj/environment-impact-assessment/> (Accessed on 2 February 2026).

⁷ The document has no page numbers.

resources. Driftnet fishing vessels or any driftnet fishing activities is not allowed in Fiji's waters, it is banned. This type of destructive fishing that catches a huge number of marine organisms damages the marine ecosystems, and it impacts the movement of fish into reef passages, which lessens the population on reef ecosystems. As such, this law does not specifically mention reef passages, but by prohibiting and regulating certain fishing methods, it indirectly protects reef passages.

B. Legislations mentioned in Fiji's National Biodiversity Strategy and Action Plan (2020-2025)

1. Environmental Protection and Biosecurity

- Quarries Act 1939 (Revised edition 1978)
https://www.pacii.org/fj/legis/consol_act_OK/qa121/

Summary:

The long title states that it is “an Act to provide for the better regulation of quarries”, so it grants the government the authority to control and monitor quarry operations in Fiji. Rock, earth, clay, sand, soil, gravel, and limestone are among the materials that are dug up and removed from the ground in a quarry. As long as these locations and associated operations are not mines, the Act is applicable. The law gives the Minister the authority to create rules to govern the operation of quarries, including those concerning the health and safety of the workers. It also states how explosive materials are handled, and the safety requirements. It facilitates in keeping records, reporting incidents, and ensuring the safety of equipment and work conditions.

Comment:

The Quarries Act does not specifically mention reef passages. It mainly controls quarry work, like digging rocks, sand, and gravel. But when quarrying happens, soil can be washed into rivers when it rains, especially if there is heavy rain. These rivers then flow into the sea and can reach reef passages. This can make the water dirty and harm coral reefs and marine life. As such, the Act regulates quarry activities that may indirectly affect reef passages if not managed properly.

- Forest Decree 1992
<https://www.forestry.gov.fj/docs/legis/FORRESTDECREE1992.pdf>

Note: On the 1st of December 2025, the Forestry Bill 2025 passed. This means the Forestry Act has been passed, but not yet enforced. As such, Forest Decree 1992 is legally still the one in force.

Summary:

It is “a decree relating to forest and forest produce”. It states how the forest and its resources are managed, protected, and used in Fiji. It is the main law for forestry, in which it regulates how forests are used, and states that licenses are required for forest goods and timber. The Decree protects a few areas as reserves, helps protect the forest ecosystems, like preventing illegal deforestation, and has penalties for violating its rules.

Comment:

The Forest Decree does not specifically mention reef passages. However, since mangroves and forests help in preventing soil erosion, this protects reef passages and coastal waters from sediment pollution. This Decree helps maintain healthy water quality, which indirectly protects reef passages and its ecosystems, by regulating the clearing of forests and promoting conservation.

- [Biosecurity Act 2008](https://faolex.fao.org/docs/pdf/fij99041.pdf)
<https://faolex.fao.org/docs/pdf/fij99041.pdf>

Summary:

The long title of this Act on page 5 states that it aims “to prevent the entry of animal and plant pests and diseases into the Fiji Islands; to control their establishment and spread in the Fiji Islands; to regulate the movement of animal and plant pests and diseases and of animals and plants and their products; to facilitate international cooperation in respect of animal and plant disease; and for related matters”. This Act protects Fiji’s environment from dangerous pests, diseases, and invading species. Ships, aircrafts, cargo plants, animals, and equipment can all harbor these harmful organisms. Anything entering Fiji can be inspected and controlled by biosecurity officers. These officers have the authority to quarantine, cure, or destroy any dangerous species they come across. The main goal is to protect Fiji’s natural environment, agriculture, marine life, and the people.

Comment:

The Biosecurity Act does not specifically mention reef passages. However, this Act plays a role in protecting them. Invasive marine species, for example, may be brought into Fiji’s waters by ships in ballast water, which is seawater or freshwater that is stored in the tanks of ships. These invasive species have the ability to damage native fish, coral, and other marine life by spreading onto coral reef ecosystems, including reef passages. As such, this Act helps protect reef passages and maintains the health of marine ecosystems by keeping invasive species out of Fiji.

2. Public Health, Safety and Industrial Laws

- [Public Health Act 1935](https://www.health.gov.fj/wp-content/uploads/2014/09/23_Public-Health-Act-Cap-111.pdf)
https://www.health.gov.fj/wp-content/uploads/2014/09/23_Public-Health-Act-Cap-111.pdf

Summary:

The long title states it as “an act relating to public health”, so it is basically Fiji’s law to maintain community safety and public health. It enables health officers to inspect trash, water, and buildings to make sure they are safe and clean. In order to protect people from disease, the law permits them to make a place that is unhealthy or unclean to be cleansed, closed, or even demolished.

Comment:

The Public Health Act does not specifically mention reef passages. It is mainly focused on community safety, cleanliness, and human health. Reef passages are protected indirectly, through reducing garbage, sewage, and unclean conditions, including in rivers and coastal waters that connect to reef passages. Waste is less likely to enter the ocean and damage coral reefs or fish in or around reef passages if this Act is well enforced.

- [Factories Act 1971](https://www.employment.gov.fj/resources/ohs/FA_C99.pdf)
https://www.employment.gov.fj/resources/ohs/FA_C99.pdf

Summary:

As stated in the long title on page 4, it is “an Act to regulate the conditions of employment in factories and other places and to protect the health, safety and welfare of persons employed therein”. It is basically an Act that requires factories to follow safety rules, properly maintain equipment, and provide safe working

conditions for employees manipulating trash, and other dangerous materials in factories. Owners of factories must make sure that neither the environment nor people are harmed by their waste. Factories may be inspected by government inspectors to ensure that the law is being followed. As such, the Act reduces the risks and hazards that manufacturers provide to both people and the environment.

Comment:

The Factories Act does not specifically mention reef passages. However, it could indirectly protect them. It is mainly focused on the safety of the workers, hygiene, cleanliness in the factory. By regulating waste, dust or fumes, and dangerous substances, it indirectly protects the environment. If the factories adhere to the Act, dangerous chemicals are less likely to pollute rivers, coastal waters, or coral reef ecosystems, including reef passages.

- Radiation Health Act 2009

https://www.vertic.org/media/National%20Legislation/Fiji/FJ_Radiation_Health_Decree_2009.pdf

Summary:

Section 3 states the Object of the Decree on page 8, which is “to regulate sources of ionizing radiation and harmful non-ionising radiation, to establish the radiation Health Board and provide its functions and Powers.” It is an Act to govern the safe use of radiation and radioactive materials. It makes sure that devices such as X-ray machines and other radiation sources are operated appropriately so that it does not cause harm to people. The Act permits authorities to examine and keep an eye on radiation operations and requires authorization before using radiation.

Comment:

With its focus on radiation safety, the Radiation Health Act does not specifically mention reef passages. However, if the radiation sources are regulated and monitored well, it will reduce the possibility of harmful substances from entering the rivers or seas, which indirectly helps protect marine areas, including reef passages.

3. Waterways and Coastal Management

- Rivers and Streams Act 1882 (Revised edition 1985)

https://www.paclii.org/fj/legis/consol_act_OK/rasa210/

Summary:

As stated in its long title, it is “an Act to define the public rights in the rivers and streams of Fiji”. It ensures that these areas are accessible to all. Although it states that all rivers and streams are government property, people are free to use them for travel, fishing, and getting water for everyday use. In order to ensure a safe and fair public access, the Act also regulates the use of water and the construction of piers and wharves close to the rivers. As such, it ensures fair water distribution, safeguards rivers for everybody, and maintains the accessibility and sound management of such important waterways.

Comment:

The Rivers and Streams Act does not specifically mention reef passages. It is mainly focused on rivers and streams. However, rivers eventually flow into the ocean, and everything that happens there, such as pollution or soil runoff, can find its way into coastal waters and harm coral reef ecosystems. As such,

maintaining clean rivers and practicing good water management can help in protecting the water and reefs, including reef passages that the rivers run into.

- [Town Planning Act 1946 \(Revised edition 1978\)](https://www.paclii.org/fj/legis/consol_act_OK/tpa168/)

Summary:

As stated in the long title, it is “an Act related to town planning”, basically for controlling the use and development of land in towns and cities. It enables the government to plan settlements, control the construction of roads and buildings, and ensure the safe and appropriate use of land. The Act also establishes guidelines for zoning, approval of building developments, and land subdivision. As such, it helps in the organization of towns and cities to make them convenient, safe, and orderly for people to live in.

Comment:

The Town Planning Act does not specifically mention reef passages. It is mainly focused on controlling the growth and land use in towns and cities. However, it can be linked to reef passages, from an environmental point of view. Indeed, coral reef ecosystems may be impacted by town planning choices, such as the location of roads, buildings, and other projects that could cause pollution and runoff in rivers and the ocean. As such, proper town planning can reduce environmental damage and indirectly protect reef passages.

- [Water Supply Act 1955 \(Revised edition 1985\)](https://www.paclii.org/fj/legis/consol_act_OK/wsa186/)

Summary:

As stated in the long title it is “an Act relating to the supply of water in Fiji”. It gives the government the power to regulate water supply systems, like pipes, reservoirs, and water sources, and to provide people with safe and clean water. The Act also gives authorities the ability to regulate the use of water, prevent damage to water systems, and makes sure that water is supplied appropriately. Its main goal is to ensure that people have reliable access to clean water for everyday use.

Comment:

The Water Supply Act does not specifically mention reef passages. It is mainly focused on preventing pollution and contamination of water sources and maintaining their cleanliness. Since rivers flow into the sea, keeping these waters clean helps prevent dirty water, sediment, and waste from reaching coastal areas. By maintaining safer and healthier water for marine species, this also helps in the protection of reef passages.

C. Legislations mentioned in the document entitled “Natural Protected Areas Legislation for the Republic of Fiji Islands - Key Issues and Preliminary Recommendations”

- [Native Lands Act 1905 \(Revised edition 1978\)](http://www.paclii.org/fj/legis/consol_act_OK/nla131/)

Summary:

As stated in the long title, it is “an Act relating to native lands”, where this law protects and manages Indigenous/*iTaukei* Fijian lands. It states that native lands must stay with the traditional landowners (*mataqali*) and that it cannot be sold. In establishing the Native Lands Commission to determine property

ownership and boundaries, the Act also states how native lands are recognized, documented, and registered. As such, the law makes sure that native lands remain in the hands of the *iTaukei* community and protects customary land rights.

Comment:

The Native Lands Act does not specifically mention reef passages, but indirectly this Act could protect them. Indeed, reef passages may be impacted by how the native lands are managed in coastal areas. Protecting and responsibly using coastal land can help lessen pollution and harm to marine environments, including reef passages.

- Crown Acquisition of Lands Act 1940 (Revised edition 1978)
https://www.paclii.org/fj/legis/consol_act_OK/caola279/

Summary:

As stated in the long title, it is “an Act to regulate the acquisition of land by the crown for public purposes”. It gives the government the authority to take native or private land for public uses, such as constructing roads, schools, hospitals, or any other projects that benefit everybody. The Act makes sure that landowners are fairly compensated for their land and are properly informed. It also provides rules for resolving conflicts and taking legal possession after damages are paid. As such, this Act ensures that landowners receive fair compensation while allowing the government to use it for public projects.

Comment

The Crown Acquisition of Lands Act does not specifically mention reef passages. It focuses more on how the government can take land for public use while making sure that landowners receive fair compensation. However, if land near rivers or coastal areas is acquired for development and causes runoff, or soil erosion, it could affect the water that will then flow into the sea. This means that if the property is not managed after acquisition, it may have an indirect effect on the coral reefs and the reef passages. That said, the Act does not mention how the environment should be protected in case of Crown Acquisition.

- National Trust Act 1970 (Revised edition 1978)
http://www.paclii.org/fj/legis/consol_act_OK/ntffa258/

Summary:

As mentioned in the long title, it is “an Act to incorporate and confer powers upon the national trust for Fiji and for matters incidental thereto”. This Act serves as the foundation for the National Trust of Fiji, a statutory body tasked with protecting Fiji’s historically and ecologically important areas. This includes natural landscapes, historic buildings, archeological sites, and places of special national importance. Through the Act, the National Trust is able to identify specific locations as protected sites, monitor their management, and make sure they are not harmed or destroyed. As such, this Act works to protect significant locations in Fiji so that they can be maintained for future generations.

Comment:

The National Trust Act does not specifically mention reef passages. However, if coastal or marine areas, including them, are identified as nationally important natural areas, it directly protects them too.

D. Legislations mentioned in the Blue Prosperity Fiji's Ocean Science Expedition Final Science Report 2023

Climate Change Act, 2021

<https://www.parliament.gov.fj/wp-content/uploads/2021/09/Act-No.-43-Climate-Change.pdf>

Summary:

As stated in the long title on page 5, it is “an Act to establish a comprehensive response to climate change, to provide for the regulation and governance of the national response to climate change, to introduce a system for the measurement, reporting and verification of greenhouse gas emissions and for related matters”. This is Fiji’s main law to fight and prepare for climate change. It establishes rules for the government to cut greenhouse gas emissions, prepare for potential climate risks, and protect the environment and communities. It also makes sure that decisions about development, oceans, and coasts take the impacts of climate change into account and that Fiji fulfills its international climate commitments.

Comment:

The Climate Change Act does not specifically mention reef passages, but it definitely helps protect them. Part of the law is focusing on protecting Fiji’s ocean, reefs, and coastal areas from climate change. Reef passages are part of the reef ecosystems and they are important for water flow and fish movement. They are indirectly protected because the Act requires careful planning and protection of the marine ecosystems. Part 13 of the Act recognizes the ocean as important to the people. It says that we must protect the ocean from pollution, overfishing, and damage from climate change like coral bleaching. Fiji wants to manage all its waters carefully and turn 30% into marine protected areas by 2030. The Act also states that there is a special committee made up of government, scientists and community voices that helps in making policies and checks progress. The Minister can make rules based on science to keep oceans healthy, store carbon, use clean energy, and make sure oceans can keep providing food and resources for everyone. Overall, the law helps in protecting reef passages by protecting the coastal areas and reef ecosystems from climate change.

Conclusion

In conclusion, upon reviewing the above-mentioned 27 laws and acts, it is clear that most of them do not specifically mention reef passages; only the Environment Management Act 2005 does so. This Act helps in controlling pollution and is highly beneficial for reef passages.

However, the 27 laws and acts included in this review, even if they do not mention reef passages, contribute to their protection in various ways. The Constitution is the most inclusive one, as it claims that everyone has the right to a clean and healthy environment. Less wide-ranging but nevertheless important are: the Fisheries Act, controlling fishing activities, coral collecting and marine habitats; various marine protection laws governing navigation activities in Fiji’s seas; and laws related to land helping in reducing pollution and soil runoff that might damage reef ecosystems and in particular reef passages. The Climate Change Act is also essential as it recognizes the ocean as important, supporting ocean preservation for Fiji’s future.

But let us still emphasize that, if reef passages are indirectly protected by most of the laws and acts in Fiji, it is a fact that they remain generally unnamed and therefore invisible. In the future, providing reef passages with a clearer legal recognition, by mentioning them in the laws and acts for example, would be proportionate to their importance to the people of Fiji (and the Pacific Islands Region), and would help strengthen their protection and ensure that they remain healthy for future generations.

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