



Tonga

**AQUACULTURE MANAGEMENT
REGULATIONS 2020**



AQUACULTURE MANAGEMENT REGULATIONS 2020

Arrangement of Sections

Regulation

PART I – PRELIMINARY		7
1	Short Title	7
2	Interpretation.....	7
PART II – AQUACULTURE MANAGEMENT AND DEVELOPMENT PLAN		9
3	Consultation	9
4	Content, review and adoption	9
PART III – AQUACULTURE DEVELOPMENT LICENCE		10
5	Categories of aquaculture activities	10
6	Application for an aquaculture development licence.....	10
7	Issuance of an aquaculture development licence	11
8	Renewal of aquaculture development licence.....	11
9	Licensing conditions	11
PART IV – IMPORT AND INTRODUCTION OF LIVE AQUATIC ORGANISMS AND EXOTIC FISH		11
10	Import and introduction of live aquatic organisms	11
11	Import and introduction of exotic fish	12
PART V – FARMING, PROCESSING AND EXPORT PROTOCOLS AND STANDARDS		13
12	Farming strategies.....	13
13	Handling, processing and export.....	13

PART VI – AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE **14**

14	Aquaculture fish processing establishment licence.....	14
15	Application for a Aquaculture fish processing establishment licence.....	14
16	Issuance of an Aquaculture fish processing establishment licence.....	14
17	Special considerations.....	15
18	Renewal of a Aquaculture fish processing establishment licence.....	15
19	Licence conditions.....	15

PART VII – AQUACULTURE FISH EXPORT LICENCE **16**

20	Aquaculture fish export licence.....	16
21	Application for Aquaculture fish export licence.....	16
22	Issuance of Aquaculture fish export licence.....	16
23	Renewal of Aquaculture fish export licence.....	16
24	Licence conditions.....	17
25	Certification of Aquaculture fish exports.....	17
26	Export permit.....	18

PART VIII – QUALITY AND TRACEABILITY OF AQUACULTURE PRODUCTS **18**

27	Quality certification.....	18
28	Traceability.....	18

PART IX – ENFORCEMENT **19**

29	Designation of aquaculture officers.....	19
30	Aquaculture Officer’s powers and duties.....	19
31	Revocation and suspension of licence.....	19
32	Appeals.....	20
33	General offences and penalties.....	20
34	Forfeiture of equipment and fish.....	20

PART X – MISCELLANEOUS **20**

35	Non-transferability of licences.....	20
36	Consideration of applications within reasonable period of time.....	21
37	Ministry to maintain a record of licensed operations.....	21
38	Information to be true and correct in every particular.....	21
39	Exemption.....	21

PART XI – FINAL PROVISIONS **21**

40	Repeals and Savings.....	21
----	--------------------------	----

SCHEDULE 1 **23**

FORM 1		23
--------	--	----

APPLICATION FOR AN AQUACULTURE DEVELOPMENT LICENCE	23
FORM 2	27
AQUACULTURE DEVELOPMENT LICENCE	27
FORM 3	29
APPLICATION TO RENEW LICENCE	29
FORM 4	30
MONTHLY PRODUCTION RETURN	30
FORM 5	32
APPLICATION FOR AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE	32
FORM 6	36
AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE	36
FORM 7	41
APPLICATION TO RENEW AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE	41
FORM 8	43
APPLICATION FOR A AQUACULTURE FISH EXPORT LICENCE	43
FORM 9	45
AQUACULTURE FISH EXPORT LICENCE	45
FORM 10	48
APPLICATION TO RENEW A AQUACULTURE FISH EXPORT LICENCE	48
SCHEDULE 2	50
FEES	50
SCHEDULE 3	51
LIST OF AUTHORIZED FEEDS FOR USE IN AQUACULTURE	51
SCHEDULE 4	52
LIST OF AUTHORIZED CHEMICALS AND VETERINARY DRUGS FOR USE IN AQUACULTURE	52



AQUACULTURE MANAGEMENT REGULATIONS 2020

IN EXERCISE of the powers conferred by section 41 of the Aquaculture Management Act 2003, the Minister responsible for Fisheries, with the consent of the Cabinet, makes the following Regulations:

PART I – PRELIMINARY

1 Short Title

These Regulations may be cited as the Aquaculture Management Regulations 2020.

2 Interpretation

In these Regulations unless the context requires otherwise –

“**Act**” means the Aquaculture Management Act 2003;

“**aquaculture**” has the same meaning as in the Act;

“**Aquaculture equipment**” means any fixtures, furniture or equipment of any nature that is not part of the natural environment that is used by the holder of an aquaculture development licence for the purpose of aquaculture;

“**Aquaculture officer**” means any fisheries officer and any member of the police force;

“**CEO**” means the Chief Executive Officer responsible for Fisheries;

“*Codex alimentarius*” means the collection of internationally adopted food standards compiled by the Joint FAO/WHO Food Standards Programme;

“**extensive operation**” means that form of aquaculture that requires small or no input of labour, feed, equipment or furniture in the aquaculture premises;

“**feed**” means any edible materials, including live feed, that are consumed by aquatic organisms and that contribute energy and/or nutrients to their diet;

“**fish**” has the same meaning as in the Act;

“**General Principles of Food Hygiene**” means the Recommended International Code of Practice General principles of Food Hygiene in the Codex alimentarius;

“**guarantee**” means a written note or memorandum signed by the authorised agent of a financial institution in the Kingdom;

“**HACCP**” means a Hazard Analysis Critical Control Point as provided for under the Codex alimentarius;

“**high-water mark**” means the shoreline location that corresponds to the mean high water tide level;

“**intensive operation**” means that form of aquaculture that requires the use of high level of input of equipment or furniture of any sort in the aquaculture premises;

“**internal waters**” has the same meaning as in the Maritime Zones Act 2009;

“**inter-tidal waters**” means the water column of the inter-tidal zones;

“**inter-tidal zone**” means the land exposed when the tides rise and fall;

“**introduction**” means international movement of fish in commercial aquaculture operations;

“**live aquatic organism**” means any live fish or live feed;

“**Minister**” has the same meaning as in the Act;

“**Ministry**” means the Ministry responsible for fisheries;

“**OIE**” means the World Animal Health Organisation;

“**offshore waters**” means any waters in the Kingdom below the high-water mark that are not internal waters;

“**open water releasing**” means the practice of releasing aquaculture products in inter-tidal, internal or offshore waters for subsequent harvest through conventional fishing practices;

“**plan**” means an Aquaculture Management and Development Plan published in the Gazette under section 4 of the Act and any other related aquaculture plan that may be developed by the Minister from time to time; and

“**related activity**” has the same meaning as in the Act.

PART II – AQUACULTURE MANAGEMENT AND DEVELOPMENT PLAN

3 Consultation

When preparing or revising an Aquaculture Management and Development Plan, the Minister shall consult with –

- (a) Government Ministries and Agencies involved in aquaculture management and development, as appropriate; and
- (b) Aquaculture farmers, representatives of aquaculture farmers' associations, fishers, representatives of fishers' associations and any other persons or communities likely to be affected by such plan.

4 Content, review and adoption

- (1) An Aquaculture Management and Development Plan shall contain at least the following information –
 - (a) background information;
 - (b) status of the aquaculture sector in Tonga;
 - (c) objectives of the plan;
 - (d) prioritization of aquatic species to be farmed;
 - (e) categorization of aquaculture activities, in accordance with these Regulations;
 - (f) logical framework, including expected outcomes and outputs;
 - (g) planned activities and timeframe for their implementation;
 - (h) implementing strategies and management measures;
 - (i) monitoring and evaluation strategies, including means of verification and measurable indicators;
 - (j) relevant stakeholders; and
 - (k) other information, as necessary.
- (2) Without prejudice to the provisions of section 5 of the Act, a plan may identify suitable areas for aquaculture development, based on the most reliable scientific and socio-economic information available and taking into consideration other existing and potential activities in the coastal area.
- (3) A plan shall be reviewed at least every five (5) years and revised, as appropriate, following the same procedure established for its adoption.
- (4) Notwithstanding sub-regulation (3) above, there shall be a mid-term review of the plan to determine minor revisions and adjustments in its implementation.

- (5) Each Aquaculture Management and Development Plan, and each revision thereof, shall be submitted to the Minister for approval process for gazettal thereafter.

PART III – AQUACULTURE DEVELOPMENT LICENCE

5 Categories of aquaculture activities

- (1) Aquaculture activities are divided in three (3) categories based on associated environmental risks, as follows –
- Category A for low environmental risk activities;
 - Category B for medium environmental risk activities; and
 - Category C for high environmental risk activities.
- (2) The characteristics of each category identified in sub-regulation (1) shall be defined in the Aquaculture Management and Development Plan.

6 Application for an aquaculture development licence

- (1) Any person, persons or company wishing to carry out aquaculture or aquaculture-related activities shall apply for a licence to be issued by the CEO in accordance with the Act and with these Regulations.
- (2) An application for an aquaculture development licence shall be-
- (a) made in accordance with the requirements in the Act and submitted to the CEO in Form 1 of Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (3) An application for an aquaculture development licence shall be accompanied by the following documentation:
- (a) a copy of the relevant land title; if the aquaculture activity is to be developed on Crown land, a copy of the lease of the said land or a statement from the Ministry of Lands confirming the availability of the land for aquaculture, as required under section 13(3) of the Act;
 - (b) an Environmental Impact Assessment (EIA) report as required under section 13(4) of the Act;
 - (c) a business licence issued by the relevant authority, where applicable;
 - (d) a technical feasibility study;
 - (e) a business plan, including a socio-economic viability study;
 - (f) an aquatic biosecurity plan for categories B and C; and
 - (g) any additional information required by the Minister pursuant section 13(5) of the Act.

7 Issuance of an aquaculture development licence

- (1) Subject to the determinations made in accordance with section 15 of the Act, the Minister may issue an aquaculture development licence –
 - (a) in Form 2 of Schedule 1 for the appropriate category of aquaculture activity, based on the characteristics defined in the Aquaculture Management and Development Plan and as determined in the Environmental Impact Assessment report; and
 - (b) upon payment of the relevant fee for that Category specified in Schedule 2.
- (2) Each licence shall indicate the period of validity, which shall not exceed ten (10) years.

8 Renewal of aquaculture development licence

- (1) An application for renewal of an aquaculture development licence shall be –
 - (a) made in Form 3 of Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.

9 Licensing conditions

All aquaculture development licences issued under these Regulations shall be subject to the following general conditions and to any other conditions as may be specified in the Act, in these Regulations or by the Minister –

- (a) that the aquaculture operator keep daily records of all production and related activities; and
- (b) that the aquaculture operator submit monthly returns of all production and related activities to the CEO in Form 4 of Schedule 1.

PART IV – IMPORT AND INTRODUCTION OF LIVE AQUATIC ORGANISMS AND EXOTIC FISH

10 Import and introduction of live aquatic organisms

- (1) Any person intending to import into the Kingdom or introduce in the aquatic environment live aquatic organisms must submit an application to the CEO, in the prescribed form, requesting an authorisation under section 30(1) of the Act.
- (2) The CEO may require the applicant to submit an Import Risk Analysis (IRA) or an Environmental Risk Assessment (EIA) Report, or both, based on consideration of the following criteria –
 - (a) country of origin of the live aquatic organisms to be introduced;

- (b) species of live aquatic organisms to be introduced;
 - (c) life stage of the specimen to be introduced; and
 - (d) any other relevant aspects.
- (3) Any application for an authorisation to import live aquatic organisms shall be accompanied by the following documentation issued by the competent authorities of the country of origin –
- (a) sanitary or phytosanitary certificate, as appropriate;
 - (b) laboratory test results in the case of species affected by OIE-listed diseases; and
 - (c) valid export permit; and
 - (d) any other relevant documentation.
- (4) The Minister may grant an authorisation to import live aquatic organisms, upon payment of the prescribed fees, if he or she is satisfied that the import is beneficial to the development of aquaculture in Tonga and does not represent a threat to national economy, to biodiversity and the environment or to public health.

11 Import and introduction of exotic fish

- (1) A person intending to import into the Kingdom or introduce in the aquatic environment any exotic fish must submit an application to the CEO in the prescribed form, requesting an authorisation under section 28 of the Act.
- (2) The Minister may adopt biosecurity guidelines for the introduction of exotic aquatic species, in consultation with the competent authority in charge of quarantine and biosecurity.
- (3) These guidelines may contain the following information –
- (a) list of authorized aquatic species for introduction;
 - (b) list of authorized countries of origin or competent authorities;
 - (c) list of aquatic pathogens to be monitored;
 - (d) quarantine procedures and operations; and
 - (e) Import Risk Analysis procedures.
- (4) Any licence, permit, approval or authorisation given under these Regulations which relates to a fish that is a living modified organism shall be subject to any applicable provision of the Biosafety Act, and shall be in accordance with any condition, standard or requirement set or imposed by the National Biosafety Advisory Committee.

PART V – FARMING, PROCESSING AND EXPORT PROTOCOLS AND STANDARDS

12 Farming strategies

- (1) The CEO may adopt codes of practices in accordance with section 10 of the Act, specifying farming standards and best practices for the management of an aquaculture farm, of a specific aquaculture commodity or of aquaculture activities in Tonga, based on international standards and practices.
- (2) The standards and best practices referred to in sub-regulation (1) may address the following aspects –
 - (a) site selection, including zoning arrangements for specific commodities;
 - (b) marking and protection of an aquaculture farm;
 - (c) species, including species origin;
 - (d) stocking densities, including maximum carrying capacity meaning the number of aquatic organisms per production area/volume;
 - (e) feeding, including type and origin of authorized feeds for specific farmed species during their life cycles in accordance with Schedule 3 of these Regulations;
 - (f) use of chemicals and veterinary drugs in aquaculture in accordance with Schedule 4;
 - (g) waste management, including specific mechanisms and strategies to manage solid waste and effluents generated during farming activities;
 - (h) land and water use, including water treatment and filtration protocols;
 - (i) record keeping of farming activities, inputs and outputs; and
 - (j) any other relevant issue.

13 Handling, processing and export

- (1) The CEO may adopt codes of practices in accordance with section 10 of the Act, specifying standards and best practices for the handling, processing and export of Aquaculture fish and Aquaculture fish products, based on international standards and practices.
- (2) The standards and best practices referred to in sub-regulation (1) may address the following aspects:
 - (a) handling, packaging, preparing, processing, freezing and defrosting of fish and fish products;
 - (b) storage, transportation and unloading of fish and fish products;
 - (c) placing of identification marks on fish and fish products intended for export;

- (d) labelling of fish and fish products; and
- (e) any other relevant issue.

PART VI – AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

14 Aquaculture fish processing establishment licence

- (1) No person shall operate a Aquaculture fish processing establishment without a licence issued by the CEO.
- (2) A Aquaculture fish processing establishment licence shall only be granted to a person, persons or company that holds a valid aquaculture development licence.

15 Application for a Aquaculture fish processing establishment licence

- (1) An application for Aquaculture fish processing establishment licence shall be –
 - (a) made to the CEO in Form 5 of Schedule 1; and
 - (b) accompanied by the specified fee in Schedule 2.
- (2) The application form shall be accompanied by the following documentations –
 - (a) a copy of the land title for the area to be used for processing;
 - (b) any environmental and food safety clearances, as applicable;
 - (c) a business licence, as applicable;
 - (d) a technical feasibility study;
 - (e) a business plan, including a socio-economic viability study;
 - (f) a HACCP plan, if required, based on a food-safety hazard analysis of the fish intended for processing; and
 - (g) any additional documentation required by the CEO, including an inspection report of the site to be used for processing.

16 Issuance of an Aquaculture fish processing establishment licence

- (1) The CEO may issue an Aquaculture fish processing establishment licence –
 - (a) in Form 6 of Schedule 1; and
 - (b) upon payment of the specified fee specified in Schedule 2.
- (2) All Aquaculture fish processing establishment licences issued under these Regulations, shall, unless revoked earlier, be valid for a period of twelve (12) months from the date of issue.

17 Special considerations

- (1) When considering an application for a Aquaculture fish processing establishment licence, the CEO shall take into account the following –
 - (a) the documentation and inspection reports anticipated under Regulation 15(2);
 - (b) the ability of the applicant to meet prescribed protocols and standards;
 - (c) the requirements made under food safety and environmental legislation;
 - (d) confirmation that the operator is a fit and proper person; and
 - (e) any other matter as the CEO deems necessary or as may be prescribed in the Regulations from time to time.

18 Renewal of a Aquaculture fish processing establishment licence

- (1) An application to renew a Aquaculture fish processing establishment license shall be –
 - (a) submitted to the CEO in Form 7 in Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (2) All application for renewal shall be considered in the same manner as a new application.

19 Licence conditions

All Aquaculture fish processing establishment licences issued under these Regulations shall be subject to the following general conditions, in addition to any other conditions as may be specified by the CEO –

- (a) that the processor implement the HACCP Plan, when such plan is required;
- (b) that accurate records be maintained on a daily basis on such forms as may be required by the CEO, relating to the operations carried out at such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported, and any other information which the CEO may require;
- (c) that all such records be open to inspection at any time by any Aquaculture Officer appointed under these Regulations;
- (d) that Aquaculture Officers appointed under these Regulations be given access to information and records, and are allowed to conduct regular inspections and investigations of the processing premises;
- (e) that the processor submit monthly returns of all processing activities to the CEO;
- (f) that the processor comply with prescribed food safety standards and protocols, and monitors and documents, the implementation of such standards in accordance with the Act and these Regulations; and

- (g) that the processor comply with any other applicable legal requirements.

PART VII – AQUACULTURE FISH EXPORT LICENCE

20 Aquaculture fish export licence

- (1) No person shall export Aquaculture fish or Aquaculture fish products without a licence issued by the CEO.
- (2) An Aquaculture fish export licence shall only be granted to a person, persons or company that holds a valid aquaculture development licence.

21 Application for Aquaculture fish export licence

- (1) An application for Aquaculture fish export licence shall be –
 - (a) submitted to the CEO in Form 8 of Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (2) The application form shall be accompanied by the following documentation –
 - (a) a business licence, as applicable; and
 - (b) a business plan, including a socio-economic viability study and market of destination.

22 Issuance of Aquaculture fish export licence

- (1) The CEO may –
 - (a) issue a Aquaculture fish export licence in Form 9 of Schedule 1; and
 - (b) upon payment of the relevant fee specified in Schedule 2.
- (2) All Aquaculture fish export licences issued under these Regulations shall, unless revoked earlier, be valid for a period of twelve (12) months from the date of issue.

23 Renewal of Aquaculture fish export licence

- (1) An application to renew a Aquaculture fish export licence shall be –
 - (a) made in Form 10 of Schedule 1; and
 - (b) upon payment of the relevant fee specified in Schedule 2.
- (2) All application for renewal shall be considered in the same manner as a new application.

24 Licence conditions

All Aquaculture fish export licences issued under these Regulations are subject to the following conditions –

- (a) that Aquaculture fish products be processed in a licensed Aquaculture fish-processing establishment pursuant to an effective HACCP Plan, if required for the fish or fish product intended for export;
- (b) that the HACCP Plan be prepared by a person who received training in the application of HACCP Principles or a fish safety inspector;
- (c) that accurate records be maintained on a daily basis on such forms as may be required by the CEO, relating to the market of destination, the volume and value of exports and the origin of the aquaculture product, and any other information which the CEO may require;
- (d) that all such records be open to inspection at any time by any Aquaculture Officer appointed under these Regulations;
- (e) that Aquaculture Officers appointed under these Regulations be given access to information and records, and are allowed to conduct regular inspections and investigations of the export premises;
- (f) that the exporter submit monthly returns of all exporting activities to the CEO;
- (g) that the exporter have demonstrated the ability and commitment to meet the prescribed food safety standards during the exporting process; and
- (h) that the fish or fish product meet any requirements of the relevant foreign market.

25 Certification of Aquaculture fish exports

- (1) Aquaculture products shall be certified as being aquaculture products by an Aquaculture Officer. The certification shall be based upon reasonable evidence that the product originates from aquaculture (for example, through natural or physical tagging, or through audit or examination of production records) and is free from OIE-listed diseases.
- (2) All aquaculture fish and aquaculture fish products exported from the Kingdom of Tonga shall be accompanied by the following documentation –
 - (a) an export permit issued by the CEO;
 - (b) a CITES permit, as applicable;
 - (c) a sanitary or phytosanitary certificate, as applicable;
 - (d) a food safety clearance for fish and fish products intended for human consumption; and
 - (e) any other documentation required by the importing country.

26 Export permit

- (1) Every aquaculture fish export licence holder is required to obtain an export permit from the CEO for every export of aquaculture fish or aquaculture fish product.
- (2) The fees payable for the issuance of an export permit and accompanying certificates are prescribed in Schedule 2 of these Regulations.

PART VIII – QUALITY AND TRACEABILITY OF AQUACULTURE PRODUCTS

27 Quality certification

- (1) The Ministry shall be the certification body for aquaculture operations and aquaculture fish processing establishments, unless otherwise provided by the Minister.
- (2) Without prejudice to sub-regulation (1), internationally-recognized certification bodies may certify aquaculture operations and aquaculture fish processing establishments, as applicable.
- (3) All costs related to quality certification of aquaculture fish products shall be borne by the requesting aquaculture operator or aquaculture fish processor.

28 Traceability

- (1) Aquaculture operators and aquaculture fish processors and exporters have the duty to keep production, processing and export records, as applicable, for a minimum period of five (5) years for traceability purposes.
- (2) In addition to the information requested under Regulations 9, 19(b) and 24(c), aquaculture operators and Aquaculture fish processors and exporters, as applicable, shall maintain, at least, records of the following information –
 - (a) annual production volume;
 - (b) annual production value;
 - (c) annual mortality;
 - (d) annual feed consumption;
 - (e) annual processing volume and value; and
 - (f) annual export volume and value, including market of destination.
- (3) Records should be available for monitoring by the Ministry, when and if requested.
- (4) All aquaculture products originating from a Aquaculture fish processing establishment shall be appropriately coded for traceability purposes.

PART IX – ENFORCEMENT

29 Designation of aquaculture officers

The aquaculture officers shall be designated in accordance to section 31 of the Act.

30 Aquaculture Officer's powers and duties

In addition to the powers set out in the Act, Aquaculture Officers may without warrant –

- (a) request the Aquaculture fish processor or exporter for information on compliance with the duties imposed under these Regulations;
- (b) carry out regular inspection and audit of Aquaculture fish processing establishments and export premises according to international food safety and biosecurity standards;
- (c) carry out regular sampling and testing of fish;
- (d) seize, and impound fish that is not safe for consumption;
- (e) conduct inspections of Aquaculture fish processing establishments and export premises, in accordance with the requirements of the Act and of these Regulations; and
- (f) ensure compliance with the prescribed protocols and standards, including those of the importing country, as appropriate.

31 Revocation and suspension of licence

- (1) In addition to the grounds set out in the Act, the CEO may revoke or suspend a licence issued under these Regulations where the licence holder –
 - (a) has been convicted of violating these Regulations;
 - (b) has not complied with any term or condition of his licence or authorisation; or
 - (c) has been convicted of an offence under the Act.
- (2) The CEO may revoke or suspend a licence issued under these regulations if –
 - (a) in the case of an aquaculture development licence or of a Aquaculture fish processing licence, the farming or the processing activities have not started within one (1) year from the issuance of the licence; or
 - (b) in the case of an export licence or import permits, there has not been exporting or importing aquaculture resources for a continuous period of at least nine (9) months.

32 Appeals

- (1) Any person aggrieved by –
 - (a) the refusal of the Chief Executive Officer to issue or renew of any of the license issuable by the Chief Executive Officer; or
 - (b) the cancellation or suspension of a license issuable by the Chief Executive Officer,may within 30 days of the receipt of notification appeal to the Minister.
- (2) Any person aggrieved by the refusal of the Minister of any license issuable by the Minister may within 30 days of the receipt of notification appeal to Cabinet.

33 General offences and penalties

- (1) A person who violates a provision of these Regulations or violates the Terms and Conditions of the licence under which he or she operates commits an offence.
- (2) A person who commits an offence for which no other penalty provided is liable to a fine of not exceeding \$10,000.00.

34 Forfeiture of equipment and fish

- (1) If a person commits an offence under the provisions of these Regulations and is convicted, any vessel, vehicle, together with its equipment, harvest, stores, cargo and fuel, used in the commission of the offence or in relation to which the offence was committed must be forfeited to the Government or as decided by the Court.
- (2) Subject to sub-regulation (1), if a person is convicted of an offence against the provisions of these Regulations, the Court may forfeit –
 - (a) any Aquaculture fish or fish product used in the commission of the offence; or
 - (b) any material, furniture or equipment, instruments or appliances used in the commission of the offence.
- (3) The proceeds from the sale of any Aquaculture fish, fish products or other perishables in nature are liable to forfeiture in the same manner as in sub-regulation (1) above.

PART X – MISCELLANEOUS

35 Non-transferability of licences

All licences and authorisations issued under these Regulations are not transferable.

36 Consideration of applications within reasonable period of time

Unless the delay in the consideration of an application is occasioned by the failure of an applicant to produce information requested by the Minister or CEO, the CEO shall take the necessary steps to ensure that an application is considered and the outcome of such consideration is communicated to an applicant within a reasonable period of time, which in no case shall exceed a period of thirty (30) days.

37 Ministry to maintain a record of licensed operations

The CEO shall maintain a list of all permits, licences and authorisations issued under these Regulations, including all aquaculture farms, aquaculture fish processing establishments, and aquaculture fish export individuals or companies.

38 Information to be true and correct in every particular

- (1) All information required under these Regulations to be recorded, or to be provided, notified, communicated, or reported, shall be true, complete and accurate.
- (2) Any changes in the circumstances which has the effect of rendering any such information false, incomplete or misleading, shall be communicated to the Ministry no later than 7 days.
- (3) Any person who contravenes sub-regulations (1) or (2) commits an offence and shall be punished in accordance with the provisions of the Act.

39 Exemption

The Minister may exempt any extensive operation from the payment of any fees applicable to aquaculture development license application or aquaculture development license.

PART XI – FINAL PROVISIONS

40 Repeals and Savings

- (1) The Aquaculture Management Regulations 2008 are hereby repealed.
- (2) Notwithstanding such repeal from and after the date the of coming into operation of these Regulations –
 - (a) any licence granted under the Aquaculture Management Regulations 2008 as well as any licence issued under the Fisheries Management (Processing and Export) Regulations 2008 for Aquaculture fish products shall continue to be valid on such terms and conditions of approval for the period stipulated therein; and

- (b) all ministerial notices issued under the Aquaculture Management Regulations 2008 and in force at the date of commencement of these Regulations shall be subject to such modifications and adaptations as may be necessary to bring them into conformity with these Regulations.
- (3) All applications for renewal of licences issued under previous regulations shall be made in accordance with these Regulations.

Made at Nuku'alofa this 8th day **June** 2022.

Hon. Samiu Vaipulu

Acting Minister responsible for Fisheries

SCHEDULE 1

FORM 1

AQUACULTURE MANAGEMENT ACT 2003

(Aquaculture Management Regulations 2019 - regulation 6 (2)(a))

APPLICATION FOR AN AQUACULTURE DEVELOPMENT LICENCE

INSTRUCTIONS:

Surname or family name.....

Address means complete mailing address

Clearly mark the boxes X where appropriate

Use a separate sheet where necessary

I/We (insert full name of applicant(s)).....

apply for an aquaculture development licence, the full particulars of which are described below.

Address of applicant(s):

1 Location of proposed aquaculture operation in latitude and longitude (Global Position System) coordinates. Please provide a description of the property and a map of the area.

.....
.....
.....

2 What is the spatial area of the site described in the application, and what area is to be used for the purpose of aquaculture?

.....
.....
.....

3 Is a certified copy of any instrument that demonstrates tenure or authority to undertake aquaculture in the area that is the subject of this application attached? Yes / No. Give details.

.....
.....
.....

4 Is the proposed aquaculture operation to take place in tidal waters? Yes/No. If the proposed aquaculture operation is to occur in tidal waters, is the area in internal waters or offshore waters?

.....
.....
.....

5 If the proposed aquaculture operation is to take place in tidal waters, is exclusive access required for part or all of each year that the aquaculture development licence is valid?

Yes No

6 If the proposed aquaculture operation is to take place in tidal waters and exclusive access is not required for a full year, for what months of the year is exclusive access required, and what is the basis for requiring exclusive access in this period?

.....

7 If the proposed aquaculture operation is to take place in tidal waters and exclusive access is required for a full year, what is the basis for requiring exclusive access?

8 Describe the nature and extent of any existing activities, including the category of farming activity, business or current human use of the area that is the subject of this application. Use a separate attachment where necessary.

.....

9 If the application refers to intertidal or sub-tidal areas, or to water bodies that are common property, have the relevant communities been consulted?

Yes No

Are comments from those communities attached?

Yes No

10 Does the proposed aquaculture development require the use of broodstock, seedling supply or fish as defined in the Fisheries Management Act 2002 in its operation?

Yes No

11 If the proposed aquaculture operation requires the use of broodstock, seedling supply or fish as defined in the Fisheries Management Act 2002 in its operation, does the applicant have an authority to take these fish issued by the Fisheries Department?

Yes No

12 Describe the nature of the proposed aquaculture operation.

- (a) What species are to be used for aquaculture? Give scientific name for all species being reared or cultured.
- (b) What methods are proposed for the potential aquaculture operation (e.g. land-based ponds, marine longline culture, etc)?
- (c) How is the proposed aquaculture area to be marked?
- (d) If the proposed aquaculture area is in a tidal or sub-tidal area has this form of marking been supported by the Ministry of Marine and Ports?
 Yes No
- (e) Is a copy of their supporting letter attached?
- (f) Does the proposal involve the use of feeds (artificial or natural)? Yes/ No. If so, describe the nature, type and quantity of feeds to be used, on an annual basis.
- (g) Describe the type and quantities of any chemicals that are proposed to be used for the purpose of plant control, parasite or disease control, bio-remediation or

bio-control, predator control or any other related purpose. Give estimated annual usage.

All applications for an aquaculture development licence must be accompanied by a business development plan. Does this application include such a plan that describes –

Location and area of the proposed business?

Yes No

Nature of the operation, in terms of species to be cultured and method of aquaculture to be used?

Yes No

Area of land or water proposed to be used for aquaculture?

Yes No

Infrastructure associated with the proposed aquaculture operation?

Yes No

Time over which the proposed aquaculture project is to be established, and phases in which the development is to occur?

Yes No

Proposed annual production schedule?

Yes No

Description of employment over the project's lifetime?

Detailed management plan that describes procedures for dealing with disease, predators, biofouling, machinery breakdown, equipment failure, theft and other contingencies?

Yes No

A detailed, time-structured budget that estimates costs, income and cash flow throughout the proposed project's life?

Yes No

Markets for aquaculture product, market size, price structure of market?

Yes No

Details of the proponent's technical and management experience?

Yes No

A summary of how the proposed aquaculture operation is to be financed?

Yes No

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement.

Name of applicants (s) and role in the company (where relevant)

.....

Signature of applicant (s) or authorised company representative

.....

Date of application

.....

FORM 2

AQUACULTURE MANAGEMENT ACT 2003

(Aquaculture Management Regulations 2019 - regulation 7(1)(a))

AQUACULTURE DEVELOPMENT LICENCE

LICENCE No.....

ISSUED TO.....

ADDRESS OF THE LICENCE HOLDER

.....
.....
.....

Area in which aquaculture may be undertaken

.....
.....
.....

1 Appropriate Category

.....

2 Species licenced to be used in the licenced aquaculture area for the purpose of aquaculture

.....
.....

3 Technique(s) authorised to be used in the licenced aquaculture area for the purpose of aquaculture

.....
.....
.....

4 Subject to the provisions of the Aquaculture Management Act 2003 and Regulations made thereunder, this licence is valid from..... day of20.....to the.....day of.....20.....

5 This licence shall not be transferable.

6 TERMS & CONDITIONS THAT APPLY TO THIS LICENCE

- (a) The Ministry of Fisheries must be notified of any change of address by the licence holder within 7 days of such a change in address.
- (b) The Minister may access the bank guarantee and instruct staff from the Ministry or subcontractors to remove abandoned equipment and clean the aquaculture premises, meeting any costs with the bank guarantee.
- (c) The licensee may not collect fees from any other person or company for the use, sub-letting, rental, leasing or any other form of agreement to undertake aquaculture in the licensee's aquaculture premises.

7 Special Conditions

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT 2003 AND REGULATIONS MADE THEREUNDER MAY RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

FORM 3

AQUACULTURE MANAGEMENT ACT 2003

(Aquaculture Management Regulations 2019 - regulation 8 (1)(a))

APPLICATION TO RENEW LICENCE

INSTRUCTIONS:

Surname or family name.....

Address means complete mailing address

Clearly mark the boxes X where appropriate

Use a separate sheet where necessary

LICENCE No.....

Name of current licence holder.....

Address of current licence holder.....

Appropriate category.....

Location of aquaculture area to which the current aquaculture development licence applies in latitude and longitude (Global Position System) coordinates.....

If there is no certified copy to demonstrate the applicant has formal title or tenure (title deed, lease or licence), the application cannot be approved. Is such a certified copy attached to this application?
Yes No

Has the relevant fee been paid?
Yes No

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement.

Name of applicant(s) and role in the company (where relevant)

Signature of applicant(s) or authorised company representative.....

Date of application.....

FORM 4

AQUACULTURE MANAGEMENT ACT 2003

LAO KI HONO PULE'I 'O E FAAMA IKA 2003

(Aquaculture Management Regulations 2019 – regulation 9(b))

(Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 – tu'utu'uni 9(b))

MONTHLY PRODUCTION RETURN

KO E FAKAMATALA FAKAMAHINA MEI HE FAAMA IKA

LICENCE No.

Fika Laiseni

ISSUED TO

Foaki kia

ADDRESS OF THE LICENCE HOLDER

Tu'asila 'o e taha ma'u laiseni

.....
.....
.....
.....

1 Production from aquaculture area in the period/...../... to/...../.....

Ola kuo ma'u mei he 'elia faama ika 'i he vaha'a taimi .../.../.... ki .../.../.....

Kg or pieces (fa'ahinga 1) Species 1.....

Kilo pe lahi (fa'ahinga 2) Species 2.....

(fa'ahinga 3) Species 3.....

(fa'ahinga 4) Species 4.....

2 Standing stock of aquaculture products in cultivation as of/...../.....

Tu'unga pe lahi 'o e koloa na'e ma'u mei he faama ika 'aia na'e faama'i 'o lau mei he/...../.....

Kg or pieces (fa'ahinga 1) Species 1.....

Kilo pe lahi (fa'ahinga 2) Species 2.....

(fa'ahinga 3) Species 3.....

(fa'ahinga 4) Species 4.....

3 Incidental mortalities of aquaculture products in the period/...../... to/...../.....

Ngaahi me'a mo'ui kuo mate mei he faama ika 'i he vaha'a taimi/.../.... ki he/.../....

Kg or pieces. (fa'ahinga 1) Species 1.....

Kilo pe lahi (fa'ahinga 2) Species 2.....

(fa'ahinga 3) Species 3.....

(fa'ahinga 4) Species 4.....

4 Number of full time employees employed on aquaculture operations for the period covered by this report

Tokolahi e kau ngaue taimi kakato he ngaue'anga faama ika 'i he vaha'a taimi ko 'eni 'oku ha 'i he lipooti ni

.....

5 Number of part time employees employed on aquaculture operations for the period covered by this report

Tokolahi e kau ngaue fakataimi he ngaue'anga faama ika 'i he vaha'a taimi ko 'eni 'oku ha 'i he lipooti ni

.....

The Aquaculture Management Act 2003 provides penalties for persons who provide false information I certify that the information supplied in this application is a true and correct statement.

Ko e Lao ki hono Pule'i 'o e Faama Ika 2003 'oku ne tuku atu 'a e ngaahi tautea ki hono 'omai ha fakamatala 'oku loi. 'Oku ou fakamo'oni heni ko e ngaahi fakamatala kotoa pe 'oku ha he tohi kole ni 'oku mo'oni pea tonu.

.....

.....

Name of licence holder(s)

Hingoa 'o e taha ma'u laiseni

.....

.....

Signature of licence holder(s)

Fakamo'oni hingoa 'o e taha ma'u laiseni

.....

Date of monthly return

'Aho 'o e fakamatala fakamahina

Tefito’i maketi

.....
.....
.....

Number of persons to be employed by the operation and their qualification including the manager of the processing establishment

Tokolahi ‘a kinautolu ke nau fakahoko ‘a e ngaue mo ‘enau tu’unga fakaako kau ki ai mo e pule ‘o e fale ngaohi’anga ika

.....
.....
.....
.....

Please attach a full description of the premises including a plan of the premises, a description of the construction and maintenance standards and sanitation facilities.

Kataki ‘o fakapipiki mai ha fakamatala kakato ‘o e fale ngaohi’anga ika ‘o kau ai mo hono palani, mo e ngaahi fakamatala ‘o e langa mo hono tauhi mo e ngaahi me’angaue ki he fakama’a ‘o e fale ngaohi’anga ika.

DECLARATION BY APPLICANT

FAKAPAPAU ‘A E TAHA KOLE

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I declare that the above information is true, complete and correct. I understand I am required to report to the Secretary immediately, and in any case no later than 7 days, any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

‘Oku fokotu’u ‘i he Lao ki hono Pule’i ‘o e Faama Ika 2003 ha ngaahi tautea ma’a kinautolu ‘oku tuku mai ha fakamatala loi. ‘Oku ou fakapapau ko e fakamatala ‘oku ha ‘i he tohi kole ni ‘oku mo’oni, kakato mo totonu. ‘Oku ou ‘ilo’i ‘oku fiema’u ke u fakaha he vave taha ki he Sekelitali ha fa’ahinga liliu fekau’aki mo e fakamatala ‘oku ha he foomu ni ‘o ‘ikai toe tomui ‘i he ‘aho ‘e 7 pea kuo u to e ‘ilo’i kapau ‘e ‘ikai ke fakahoko ‘eni ‘e malava ke faka’ilo ai au.

.....
.....

Signature of applicant (s) or authorised company representative

Fakamo’oni hingoa ‘a e taha kole pe ko ha fakafofonga ‘o e kautaha kuo fakamafai’i

.....

Date of application

‘Aho ‘o e tohi kole

FORM 6

AQUACULTURE MANAGEMENT ACT 2003

LAO KI HONO PULE'I 'O E FAAMA IKAI 2003

(Aquaculture Management Regulations 2019 –Regulation 16(1)(a))

(*Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2008 – Tu'utu'uni 16(1)(a)*)

AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

LAISENI 'O E FALE NGAOHI'ANGA IKA FAAMA

LICENCE No.

FIKA LAISENI

Date of issue

'Aho na'e foaki ai

- A. The person named as the licence holder below is licensed in accordance with regulation 16(1) of the Aquaculture Management Regulations 2019 to use the premises described below as a fish processing establishment in accordance with the terms and conditions set out in this licence and the conditions in the Aquaculture Management Regulations 2019 and as prescribed from time to time in the Regulations.

Ko e toko taha 'oku fakahingoa ko e taha ma'u laiseni 'i lalo 'oku laiseni 'o fakatatau ki he tu'utu'uni 16(1) 'o e Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 ke ngaue'aki 'a e ngaahi feitu'u 'oku fakamatala'i 'i lalo ko e fale ngaohi'anga ika 'o fakatatau ki he ngaahi tu'unga mo e ngaahi makatu'unga kuo fakaha atu 'i he laiseni ko 'eni pea mo e ngaahi tu'unga 'i he Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 pea hange ko ia 'e tu'utu'uni mei he taimi ki he taimi 'i he Ngaahi Tu'utu'uni.

B. DETAILS OF LICENCE HOLDER

NGAAHI FAKAIKI'IKI 'O E TAHA MA'U LAISENI

Name of licence holder

Hingoa 'o e taha ma'u laiseni

Address of aquaculture fish processing establishment

Tu'asila 'o e fale ngaohi'anga ika faama.....

Authorised processing methods

Ngaahi founa ki hono ngaohi kuo fakangofua

.....
.....
.....

Species of aquaculture fish to be processed

Fa'ahinga 'o e ika ke ngaohi

.....
.....
.....

Quotas/quantities of aquaculture fish to be processed/year/month/...

Lahi 'o e ika ke ngaohi/ta'u/mahina/ ...

.....
.....
.....

Sources of supply

Feitu'u ke ma'u mei ai

.....
.....
.....

Special conditions

Ngaahi tu'unga makehe

.....
.....
.....

C. PERIOD OF VALIDITY

VAHA'A TAIMI 'AONGA FAKALAO

Subject to the Aquaculture Management Regulations 2019 made thereunder, this licence is valid from the day of20.....to theday of20

Fakatatau ki he Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 na'e fa'u ai, ko e laiseni ko 'eni 'oku 'aonga fakalao 'o kamata mei he 'aho 'o20.....ki he..... 'o.....20.....

D. This licence is not transferable.

'Oku 'ikai ngofua ke hiki 'a e laiseni ko 'eni.

E. Every licence holder shall—

Kuo pau ki he taha ma'u laiseni ke ne —

(a) notify the CEO within 7 days of any change to the registered company address;

fakaha ki he CEO 'i loto 'i he 'aho 'e 7 ha liliu 'i he tu'asila 'a e kautaha kuo lesisita;

(b) conduct an analysis of the processing of fish intended for export in order to identify any food-safety hazards;

fakahoko hano 'analaiso 'a hono ngaohi 'o e ika 'oku fakataumu'a ke hu atu telia ha ngaahi fakatu'utamaki ki he malu 'a e me'atokoni;

(c) follow a hazard analysis, where seafood safety hazards are reasonably likely to occur, the licence holder shall request a person appropriately trained in applying the principles of HACCP or an inspector, to develop a written HACCP Plan;

muimui'i ha 'analaiso 'o ha fakatu'utamaki, 'i he taimi 'oku tui 'e ngali hoko ha fakatu'utamaki ki he malu 'a e me'atahi, kuo pau ki he taha ma'u laisenii ke ne kole ha taha 'oku ne ma'u 'a e taukei fe'unga 'i hono fakahoko 'o e ngaahi tefito'i taumu'a 'a e HACCP pe ko ha 'inisipekita, ke fa'u ha Palani HACCP;

(d) implement the HACCP Plan;

fakahoko 'a e Palani HACCP;

(e) monitor and record reviews of the HACCP Plan, critical limits at the critical control points, corrective action plans employed and the verification procedures weekly;

muimu'i mo lekooti 'a e ngaahi fakalelei 'o e Palani HACCP, ngaahi fakangatangata mahu'inga 'i he ngaahi poini pule'i, ngaahi palani ki hono fakatonutonu 'a e ngaue 'oku ngaue'aki mo fakapapau'i 'a e ngaahi founa fakahoko ngaue fakauike;

(f) maintain accurate records on a daily basis on such forms as may be required by the CEO relating to the operations carried out in such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported and other information which the CEO may require;

tauhi 'a e ngaahi lekooti ke totonu faka'aho 'i he ngaahi foomu 'e fiema'u 'e he CEO fekau'aki mo e ngaahi ngaue 'oku fakahoko 'i he ngaahi fale ko ia, kau ai 'a e ngaahi lekooti 'o e tupu'anga, ngaahi 'aho, lahi, fa'ahinga mo e lelei 'a

e ika 'oku ma'u, ngaohi, fakatau atu mo hu atu ki tu'apule'anga mo ha toe fakamatala kehe pe 'e fiema'u 'e he CEO;

- (g) ensure all such records and the processing premises are open to regular inspection and investigation at any time by aquaculture officers ;

fakapapau'i ko e ngaahi lekooti kotoa ko ia pe mo e feitu'u ngaohi'anga 'oku 'ata ki hano toutou sivi'i mo fakatotolo'i 'i ha taimi pe 'e he kau 'ofisa faama ika;

- (h) allow aquaculture officers or other personnel to participate fully in any research or survey project inside the processing facility;

faka'ata 'a e kau 'ofisa faama ika 'a e toutai pe ko ha to e taha ngaue kehe ke kau atu ki ha fekumi pe ngaue savea 'i loto 'i he fale ngaohi'anga ika;

- (i) ensure that all employees operating under this licence are sufficiently trained in processing and the handling of fish and fish product to enhance the quality;

fakapapau'i ko e kau ngaue kotoa pe 'oku nau ngaue'aki 'a e laiseni ko 'eni 'oku nau ma'u ha ako ngaue fe'unga 'i hono ngaohi mo ngaue ki he ika mo e ngaahi koloa ika ke fakautuutu 'a 'ene lelei;

- (j) submit a list of employees together with their health certificate to the CEO when requested;

'oatu ha lisi 'o e kau ngaue fakataha mo 'enau tohi fakamo'oni mo'ui lelei ki he CEO 'i ha'ane fiema'u;

- (k) notify the CEO immediately of any change to employees;

fakaha ki he CEO 'i he taimi pe ko ia 'e hoko ai ha liliu ki he kau ngaue;

- (l) quarterly submission of water testing result from the Tonga Water Board to the CEO;

'oatu fakakuatu ha 'ola 'a hono sivi 'o e vai mei he Poate Vai 'a Tonga ki he CEO;

- (m) ensure that the fish processed at such establishment shall not exceed the total quotas allowed to that establishment, including those relating to species and quantity;

fakapapau'i ko e ika na'e ngaohi 'i he fale ngaohi'anga ika ko ia 'oku 'ikai ke lahi hake 'i he kuota fakakatoa na'e fakangofua ki he fale ngaohi'anga ika ko ia, kau ai 'a e me'a 'oku felave'i mo e fakafa'ahinga mo e lahi 'o e ika;

- (n) ensure that any information provided to the CEO, whether in a prescribed form or otherwise, is provided clearly, legibly, truthfully and accurately.

fakapapau'i ko e fakamatala 'oku 'oatu ki he CEO, 'o tatau ai pe pe 'oku 'i ha foomu na'e tu'utu'uni pe kehe ange, 'oku mahino, ala lava 'o lau, mo'oni pea tonu.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT 2003 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

KA 'IKAI KE FAI PAU KI HE NGAahi TU'UTU'UNI FAKATAHA MO E FAKAIKIHIKI 'O E NGAahi ME'A MO E NGAahi TU'UNGA 'O E LAISENI, KO E LAO KI HONO PULE'I 'O E TOUTAI 2003 MO HONO NGAahi TU'UTU'UNI KUO FA'U 'I HE LAO NI, PEA TANAKI ATU KI AI MO HA NGAahi TAUTEA FAKAMAAU'ANGA KUO FAI, 'E LAVA KE TA'OFI FAKATAIMI AI PE MOLE 'A E LAISENI, FAKATAIMI PE TO'O FAKA'AUFULI.

.....
Signature of CEO of Fisheries

Fakamo'oni hingoa 'a e CEO ki he Toutai

.....
Date
'Aho

FORM 7

THE AQUACULTURE MANAGEMENT ACT 2003

LAO KI HONO PULE'I 'O E FAAMA IKA 2003

(Aquaculture Management Regulations 2019 –Regulation 18(1)(a))

(*Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019– Tu'utu'uni 18(1)(a).*)

**APPLICATION TO RENEW AQUACULTURE FISH PROCESSING
ESTABLISHMENT LICENCE**

**TOHI KOLE KE FAKAFO'OU 'A E LAISENI 'O HA FALE NGAOHI'ANGA IKA
FAAMA**

INSTRUCTIONS: Underline surname or family name
Address means complete mailing address
Use a separate sheet where necessary

FAKAHINOHINO: *Laine'i 'a e fakaiku pe hingoa fakafamili*
Uhinga 'a e Tu'asila ki he tu'asila kakato ke meili atu ki ai
Ngaue'aki mo ha lau'ipepa makehe kapau 'oku fiema'u

LICENCE No.

FIKA LAISENI

1. Name of current licence holder/s

Hingoa 'o e taha/kau ma'u laiseni lolotonga

Address of current licence holder/s

Tu'asila 'a e taha/kau ma'u laiseni lolotonga

2. Name of fish processing establishment

Hingoa 'o e fale ngaohi'anga ika
.....
.....
.....

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement. I understand I am required to report to the Secretary immediately, and in any case no later than 7 days, any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

'Oku fokotu'u 'i he Lao ki hono Pule'i 'o e Faama Ika 2003 ha ngaahi tautea ma'a kinautolu 'oku tuku mai ha fakamatala loi. 'Oku ou fakapapau ko e fakamatala 'oku ha 'i he tohi kole ni 'oku mo'oni mo totonu. 'Oku ou 'ilo'i 'oku fiema'u ke u fakaha he vave taha ki he Sekelitali 'ikai toe tomui ange 'i he 'aho 'e 7, ha fa'ahinga liliu fekau'aki mo e fakamatala 'oku ha he foomu ni pea u to e 'ilo'i kapau 'e 'ikai ke fakahoko 'eni 'e malava ke faka'ilo ai au.

.....

.....
Signature of applicant/s or authorised company representative

Fakamo'oni hingoa 'a e taha/kau kole pe ko ha fakafofonga 'o e kautaha kuo fakamafai'i

.....

Date of application

'Aho 'o e tohi kole

FORM 8

AQUACULTURE MANAGEMENT ACT 2003

LAO KI HE PULE'I 'O E TOUTAI 2003

(Aquaculture Management Regulations 2019 – Regulation 21(1)(a))

(*Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 – Tu'utu'uni 21(1)(a)*)

APPLICATION FOR A AQUACULTURE FISH EXPORT LICENCE

TOHI KOLE KI HA LAISENI KE HU ATU KI TU'APULE'ANGA 'A E IKA FAAMA

A. DETAILS OF APPLICANT

NGAAHI FAKAIKIKI 'A E TAHA KOLE

Name of applicant (if applicant is a registered company, give name and address and registered number)

.....

Hingoa 'o e taha kole (kapau ko e taha kole ko e kautaha kuo lesisita pea fakaha 'a e hingoa 'o e kautaha mo e fika lesisita)

Address of applicant

Tu'asila 'o e taha kole

.....
.....

Fax Telephone

Fekisimili Telephone

Name of aquaculture fish processing establishment

Hingoa 'o e fale ngaohi'anga ika faama

Address of fish processing establishment

Tu'asila 'o e fale ngaohi'anga ika

.....

Fax Telephone

Fekisimili Telephone

B. DETAILS OF AQUACULTURE FISH FOR EXPORT

NGAAHI FAKAIKIKI 'O E IKA FAAMA KE HU ATU

Species of aquaculture fish to be exported

Fa'ahinga 'o e ika faama'i ke hu atu

.....
.....
.....

Destination of export

Feitu'u 'oku hu atu ki ai

.....

Sources of supply

Ngaahi feitu'u ma'u'anga

.....
.....
.....

Mode of export

Founga 'a hono hu atu

.....
.....
.....

C. DECLARATION BY APPLICANT

FAKAPAPAU 'A E TAHA KOLE

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I declare that the above information is true, complete and correct. I understand I am required to report within seven (7) days to the CEO any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

'Oku fokotu'u 'i he Lao ki hono Pule'i 'o e Faama Ika 2003 ha ngaahi tautea ma'a kinautolu 'oku tuku mai ha fakamatala loi. 'Oku ou fakapapau ko e fakamatala 'oku ha 'i he tohi kole ni 'oku mo'oni, kakato mo totonu. 'Oku ou 'ilo'i 'oku fiema'u ke u fakaha 'i loto he 'aho 'e fitu (7) ki he CEO ha fa'ahinga liliu fekau'aki mo e fakamatala 'o ku ha he foomu ni pea u to e 'ilo'i kapau 'e 'ikai ke fakahoko 'eni 'e malava ke faka'ilo ai au.

.....

.....

Signature of applicant (s) or authorised company representative

Fakamo'oni hingoa 'a e taha/kau kole pe ko ha fakafongga 'o e kautaha kuo fakamafai'i

.....

Date of application

'Aho 'o e tohi kole

FORM 9

AQUACULTURE MANAGEMENT ACT 2003

LAO KI HE PULE'I 'O E FAAMA IKA 2003

(Aquaculture Management Regulations 2019 –Regulation 22(1)(a))

(Ngaahi Tu'utu'uni ki he Pule'i 'o e Faama 2019 – Tu'utu'uni 22(1)(a))

AQUACULTURE FISH EXPORT LICENCE

LAISENI HU ATU KI TU'APULE'ANGA 'A E IKA

LICENCE No.

FIKA LAISENI

Date of issue

'Aho na'e foaki ai

A. The person named as the licence holder below is licensed under regulation 22(1)(a) of the Aquaculture Management Regulations 2019 to export farmed fish in accordance with the terms and conditions set out in this licence and the conditions in the Regulations and as prescribed from time to time in the Regulations.

Ko e toko taha 'oku fakahingoa ko e taha ma'u laiseni 'i lalo 'oku laiseni 'o fakatatau ki he tu'utu'uni 22(1)(a) 'o e Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 ke hu atu 'a e ika faama 'o fakatatau ki he ngaahi tu'unga mo e ngaahi makatu'unga kuo fakaha atu 'i he laiseni ko 'eni pea mo e ngaahi tu'unga 'i he Lao pea hange koia 'e tu'utu'uni mei he taimi ki he taimi 'i he Ngaahi Tu'utu'uni.

Name of licence holder

Hingoa 'a e taha ma'u laiseni

Address

Tu'asila

.....

Fax Telephone

Fekisimili *Telefoni*

Name of aquaculture fish processing establishment

Hingoa 'o e fale ngaahi'anga ika faama

Address of aquaculture fish processing establishment

Tu'asila 'o e fale ngaahi'anga ika faama

.....

Authorised processing methods

Ngaahi founga ki hono ngaahi kuo fakangofua

.....

Species of aquaculture fish to be exported

Fa'ahinga 'o e ika ke hu atu

.....

.....

.....

Quotas/quantities of fish to be exported

Lahi 'o e ika ke hu atu

.....
.....
.....

Sources of supply

Ngaahi feitu 'u ma 'u 'anga

.....
.....
.....

B. SPECIAL CONDITIONS

NGAAHI TU'UNGA MAKEHE

.....
.....
.....

C. PERIOD OF VALIDITY

VAHA'A TAIMI 'AONGA FAKALAO

Subject to the Aquaculture Management Regulations 2019 and Regulations made thereunder, this licence is valid from the day of 20 to the day of20

Fakatatau ki he Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 mo e Ngaahi Tu'utu'uni na'e fa'u ai, ko e laiseni ko 'eni 'oku 'aonga fakalao 'o kamata mei he 'aho 'o.....20.....ki he.....'o.....20.....

D. This licence is not transferable.

'Oku 'ikai lava ke hiki 'a e laiseni ko 'eni.

E. The Licence holder shall-

Kuo pau ki he taha ma'u laiseni ke ne-

- (a) notify the CEO within 14 days of any change to the registered company address;
fakapapau ki he Sekelitali 'i loto 'i he 'aho 'e 14 ha liliu 'i he tu'asila 'a e kautaha kuo lesisita;
- (b) ensure that any information provided to the CEO, whether in a prescribed form or otherwise, is provided clearly, legibly, truthfully and accurately;
fakapapau 'i 'oku 'oatu ki he CEO, 'o tatau ai pe pe 'oku 'i ha foomu kuo tu'utu'uni pe kehe ange, 'a e fakamatala 'oku mahino, ala lava 'o lau, mo'oni pea tonu;
- (c) ensure that any aquaculture fish products for export are processed in a licensed fish processing establishment.
fakapapau 'i ko e koloa ika faama ke hu atu na'e ngaohi 'i ha fale ngaohi'anga ika kuo laiseni;
- (d) accompany a health certificate in every consignment of fish to be exported to the EU markets.
'oatu fakataha mo ha tohi fakamo'oni 'oku lelei ki he mo'ui 'a e kofukofu ika kotoa pe ke hu atu ki he ngaahi maketi EU.

.....
Signature of CEO of Fisheries
Fakamo'oni hingoa 'a e CEO 'o e Toutai

.....
Date
'Aho

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT 2003 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

KA 'IKAI KE FAI PAU KI HE NGAahi TU'UTU'UNI FAKATAHA MO E FAKAIKIKI 'O E NGAahi TU'UNGA MO E NGAahi MAKATU'UNGA 'O E LAISENI, KO E LAO KI HONO PULE'I 'O E FAAMA IKA 2003 MO HONO NGAahi TU'UTU'UNI KUO FA'U 'I HE LAO NI, PEA TANAKI ATU KI AI MO HA NGAahi TAUTEA FAKAMAAU'ANGA KUO FAI, 'E LAVA KE TA'OFI FAKATAIMI AI PE MOLE 'A E LAISENI, FAKATAIMI PE TO'O FAKA'AUFULI.

FORM 10

AQUACULTURE MANAGEMENT ACT 2003

LAO KI HONO PULE'I 'O E TOUTAI 2002

(Aquaculture Management Regulations 2019 – Regulation 23(1)(a))

(Ngaahi Tu'utu'uni ki hono Pule'i 'o e Faama Ika 2019 – Tu'utu'uni 23(1)(a))

APPLICATION TO RENEW A AQUACULTURE FISH EXPORT LICENCE

TOHI KOLE KE FAKAFO'OU 'A E LAISENI HU ATU 'A E IKA FAAMA

INSTRUCTIONS: Underline surname or family name
Address means complete mailing address
Use a separate sheet where necessary

FAKAHINOHINO: *Laine'i 'a e hingoa fakaiku pe fakafamili.
'Uhinga 'a e Tu'asila ki he tu'asila kakato ke meili atu ki ai
Fakakau mai mo ha lau'ipepa makehe kapau 'oku fiema'u*

LICENCE No.

FIKA LAISENI

1. Name of current licence holder/s

Hingoa 'o e taha/kau ma'u laiseni lolotonga

Address of current licence holder/s

Tu'asila 'a e taha/kau ma'u laiseni lolotonga

2. Name of licensed fish processing establishment

Hingoa 'o e fale ngaahi'anga ika kuo laiseni

.....
.....
.....
.....

The Aquaculture Management Act 2003 provides penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement. I understand I am required to report immediately to the CEO any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

'Oku fokotu'u 'i he Lao ki hono Pule'i 'o e Faama Ika 2003 ha ngaahi tautea ma'a kinautolu 'oku tukumai ha fakamatala loi. 'Oku ou fakapapau ko e fakamatala 'oku ha 'i he tohi kole ni 'oku mo'oni mo totonu. 'Oku ou 'ilo'i 'oku fiema'u ke u fakaha he vave taha ki he 'Ofisa Pule Ngaue ha fa'ahinga liliu fekau'aki mo e fakamatala 'oku ha he foomu ni pea u to e 'ilo'i kapau 'e 'ikai ke fakahoko 'eni 'e malava ke faka'ilo ai au.

.....

.....
Signature of applicant/s or authorised company representative

Fakamo'oni hingoa 'a e taha/kau kole pe ko ha fakafofonga 'o e kautaha kuo fakamafai

.....
Date of application
'Aho 'o e tohi kole.

SCHEDULE 2**FEES**

- (1) Aquaculture Development License
 - (a) Application and application for renewal fee for Aquaculture Development License
 - (i) Category A - Free
 - (ii) Category B - \$200
 - (iii) Category C - \$300
 - (b) Aquaculture Development License
 - (i) Category A - Free
 - (ii) Category B - \$300 per year
 - (iii) Category C - \$1000 per year
- (2) Aquaculture Fish Processing Establishment License
 - (i) Application Fee - \$100
 - (ii) License - \$500 for all products
 - (iii) Application for renewal- \$100
- (3) Aquaculture Fish Export License
 - (i) Application for a License - \$100
 - (ii) License - \$500 for all products
 - (iii) Renewal - \$100
 - (iv) Export permit – free of charge
- (4) Fee for application for a permit to occupy in inter-tidal and subtidal waters: \$100 per hectare for intensive aquaculture, \$100 per km² for extensive aquaculture
- (5) ‘Permit to occupy’ – \$500 per hectare per year for the first two years of the licence life of an intensive operation.
- (6) ‘Permit to occupy’ – \$500 per km² per year for the first two years of the licence life of an extensive operation.
- (7) After completion of the second year of the life of each Permit to Occupy, the annual fee structure should be adjusted to reflect production and economic rent of the venture. The basic fee structure should be retained, but the annual fee for the permit to occupy should be increased to capture 3% of the audited net profit of the aquaculture operation each year.

SCHEDULE 3**LIST OF AUTHORIZED FEEDS FOR USE IN AQUACULTURE**

Although included in this list, the import of the products listed below is subject to the approval of the Director, based on the following criteria: (1) country of origin; (2) liability of the competent authority of the country of origin; (3) biosecurity standards; (4) processing standards; and (5) food safety standards.

Non-live feed

- Commercial pelleted feed.
- Homemade-pelleted feed.
- Trash fish or low value fish.
- Raw materials such as fishmeal, fish oil or copra meal.
- Micronutrients such as minerals and vitamins (individual or as premixes).
- Commercial microalgae paste.

Live feed

- Microalgae.
- Artemia.
- Rotifers.
- Zooplankton.
- Cladocerans, nematodes and trochopora larvae.

SCHEDULE 4**LIST OF AUTHORIZED CHEMICALS AND VETERINARY DRUGS FOR USE IN
AQUACULTURE**

Chemicals and veterinary drugs are classified by application:

(A) Anaesthetic

Phenoxyethanol
Quinaldine
Ketamine
Procaine
Benzocaine
Tricaine methane sulphonate

(B) Antihelminthic

Levamisol
Mebendazole
Fenbendazole

(C) Bacterial infections

Ampicilin
Apramycin sulphate
Chlortetracycline
Erythromycin
Flumequin
Amoxicilin trihydrate
Oxolinic acid
Oxytetracycline
Sarafloxacin
Sulphonamides
Florfenicol

(D) Disinfectant, fungicide, parasiticide

Formalin
Iodophors
Chlorine
Hydrogen peroxide
Acetic acid

- (E) Parasiticide**
- Deltamethrin
 - Dichlorvos
 - Diflubenzuron
 - Pyrethrum
 - Enamectin
 - Ivermectin
 - Azamethiphos
 - Cypermethrin
 - Teflubenzuron