

BILL NO. 3 OF 2016

A BILL

FOR AN ACT TO AMEND THE SEA PORTS MANAGEMENT ACT 2005

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Sea Ports Management (Amendment) Act 2016.

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

(3) In this Act, the Sea Ports Management Act 2005 shall be referred to as the “Principal Act”.

Section 18 amended

2. Section 18 of the Principal Act is amended by inserting the following new paragraph after paragraph (b)—

“(c) the provision of pilotage services;”

New section 18A inserted

3. The Principal Act is amended by inserting the following new section after section 18—

“Pilotage services

18A. A port management company must allocate a pilot to provide pilotage services at each port managed by the port management company under this Act.”

SEA PORTS MANAGEMENT (AMENDMENT) BILL 2016

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Sea Ports Management Act 2005 (**‘Act’**) is the governing law for the administration of ports in Fiji.
- 1.2 Under the Act, a port management company is responsible for the management of declared ports. The rates and charges set by the port management company for services it provides under the Act are subject to review by the Fiji Commerce Commission.
- 1.3 As a port management company has general powers to manage and administer ports, this Bill seeks to clearly allow a port management company to levy rates and charge fees for the pilotage services it provides.
- 1.4 This Bill also seeks to make provision for the allocation of pilots by a port management company under the Act.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill confers a short title and specifies that the Act commences on the date or dates appointed by the minister responsible for public enterprises (**‘Minister’**) by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 18 of the Act to make it clear that a port management company has the power to levy rates and charges for pilotage services. Under the Act, these rates and charges are subject to review by the Fiji Commerce Commission.
- 2.3 Clause 3 of the Bill inserts section 18A to the Act which makes provision for the allocation of pilots by a port management company at each port the port management company manages under the Act.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister.

A. SAYED-KHAIYUM
Attorney-General