

BILL NO. 26 OF 2021

A BILL

FOR AN ACT TO AMEND THE MARITIME TRANSPORT ACT 2013

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Maritime Transport (Budget Amendment) Act 2021.

(2) This Act comes into force on 1 August 2021.

(3) In this Act, the Maritime Transport Act 2013 is referred to as the “Principal Act”.

Section 109 amended

2. Section 109(2) of the Principal Act is amended by deleting “the Minister in consultation with”.

Section 110 amended

3. Section 110(5) of the Principal Act is amended by deleting “the Minister in consultation with”.

Section 111 amended

4. The Principal Act is amended by deleting section 111 and substituting the following—

“Duration of coasting-trade licence and sea route licence

111. A coasting-trade licence and sea route licence shall be granted for a term of 20 years.” .

Section 112 amended

5. Section 112 of the Principal Act is amended by deleting “the Minister in consultation with”.

Section 113A inserted

6. The Principal Act is amended after section 113 by inserting the following new section—

“Foreign ships transporting cargo and equipment in Fiji waters

113A.—(1) A foreign ship transporting cargo and equipment from an international port and entering Fiji waters is exempt from any clearance, permitting or licensing requirements under this Act and its regulations provided that the foreign ship notifies the Fiji Revenue and Customs Service within 48 hours of its arrival in accordance with section 11A of the Customs Act 1986.

(2) For the purposes of subsection (1), a foreign ship entering Fiji waters must not transport cargo and equipment from one domestic port to another and may only unload cargo and equipment from an international port to any domestic port and load cargo and equipment destined for an international port from any domestic port.”.

Section 115 amended

7. Section 115 of the Principal Act is amended by—

- (a) in subsection (1), deleting “Minister in consultation with the”; and
- (b) in subsection (2), deleting “Minister” wherever it appears and substituting “Chief Executive Officer”.

July 2021

MARITIME TRANSPORT (BUDGET AMENDMENT) BILL 2021

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Maritime Transport (Budget Amendment) Bill 2021 (**‘Bill’**) seeks to amend the Maritime Transport Act 2013 (**‘Act’**).

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2021.
- 2.2 Clauses 2, 3, 5, and 7 of the Bill amend sections 109, 110, 112 and 115 of the Act respectively, to improve the efficiency of services in relation to maritime licences issued by the Maritime Safety Authority of Fiji (**‘MSAF’**). The respective clauses substitute the role of the Minister responsible for transport with the Chief Executive Officer of MSAF (**‘CEO’**) to allow the CEO to exercise all the administrative decision making powers necessary in relation to maritime licences without having to elevate each of these issues to a ministerial level.
- 2.3 Clause 4 of the Bill amends section 111 of the Act to extend the duration of a sea route licence from 5 years to 20 years in line with the recent extension of a coasting-trade licence to 20 years by the Government in 2020. The duration of a sea route licence, whilst only reflected in the regulations under the Act, has been provided for in section 111 of the Act to allow for certainty in the new term of the licence.
- 2.4 Clause 6 of the Bill amends the Act by inserting a new section 113A in the Act to exempt a foreign ship transporting cargo and equipment from an international port from any clearance, permitting or licensing requirements under the Act and its regulations provided that the foreign ship notifies the Fiji Revenue and Customs Service within 48 hours of its arrival and provided that it does not transport cargo and equipment from one domestic port to another and only unloads cargo and equipment from an international port to any domestic port and loads cargo and equipment destined for an international port from any domestic port in Fiji.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for maritime transport.

A. SAYED-KHAIYUM
Attorney-General