

BILL NO. 27 OF 2021

A BILL

FOR AN ACT TO AMEND THE OFFSHORE FISHERIES MANAGEMENT ACT 2012

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Offshore Fisheries Management (Budget Amendment) Act 2021.

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

(3) In this Act, the Offshore Fisheries Management Act 2012 is referred to as the “Principal Act”.

Section 35 amended

2. Section 35 of the Principal Act is amended after subsection (1) by inserting the following new subsection—

“(1A) Notwithstanding subsection (1), a licence issued to the owner or operator of a Fiji fishing vessel by the Permanent Secretary shall, unless earlier cancelled or suspended under section 38, be valid for a period of 20 years provided that the owner or operator applying for the licence is a Fijian citizen or person ordinarily resident in Fiji.”.

2 *Offshore Fisheries Management (Budget Amendment)— of 2021*

Section 78 amended

3. Section 78 of the Principal Act is amended by—

- (a) in subsection (1), deleting “landing, transshipment, bunkering or provisioning” and substituting “landing or transshipment”; and
- (b) in subsection (5), deleting “landing, transshipment, bunkering or provisioning” and substituting “landing or transshipment”.

Amendment to references to Marine Act 1986

4. The Principal Act is amended by deleting “Marine Act 1986” wherever it appears and substituting “Ship Registration Act 2013”.

July 2021

OFFSHORE FISHERIES MANAGEMENT (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 Offshore Fisheries Management (Budget Amendment) Bill 2021 (**‘Bill’**) seeks to amend the Offshore Fisheries Management Act 2012 (**‘Act’**) in order to implement the changes announced in the 2021-2022 Budget Address which relate to the fisheries sector.

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 Clause 2 of the Bill amends section 35 of the Act to insert a new subsection (1A) which will allow for the extension of the duration of offshore fishing licences from 36 months (3 years) to 20 years for the owners or operators of Fiji fishing vessels only i.e. local fishing companies, provided that the owners or operators applying for the offshore fishing licence are Fijian citizens or persons ordinarily resident in Fiji. This will give financial security to the owners or operators of Fiji fishing vessels who qualify for the 20 year licence. This extension is also in conformity with the extension of coasting-trade licences to 20 years in 2020 and most recently the sea-route licences to 20 years.
- 2.3 In line with the extension of the duration of the offshore fishing licences under clause 2, any local fishing company that is 100% Fijian owned and licensed will have two decades so that they can make investments or take out loans that are more suited to a more certain timeline. These local fishing companies can then invest more in new vessels and provide more jobs for Fijians.
- 2.4 Clause 3 of the Bill amends section 78 of the Act to remove the requirement to obtain authorisation or a permit for bunkering and provisioning in Fiji.

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2.5 Clause 4 of the Bill amends the Act by deleting references to the “Marine Act 1986” and substituting “Ship Registration Act 2013” for the purposes of clarity. The Marine Act 1986 is no longer in force and was repealed in 2013 by the introduction of the Ship Registration Act 2013 and Maritime Transport Act 2013.

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General