

MARITIME POWERS BILL 2026
(BILL NO. 35 OF 2026)

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BILL NO. 35 OF 2026

A BILL

FOR AN ACT TO CONFER POWERS ON THE NAVY AND LAW ENFORCEMENT AGENCIES, TO BOARD, SEARCH AND SEIZE SHIPS SUSPECTED OF CRIMINAL ACTIVITY IN FIJI WATERS AND BEYOND, TO PROVIDE FOR ASSISTANCE BY LAW ENFORCEMENT OFFICERS, AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

- 1.—**(1) This Act may be cited as the Maritime Powers Act 2026.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

- 2.** In this Act, unless the context otherwise requires—
- “Commander” means the Commander of the Republic of Fiji Military Forces;

“commanding officer” means—

- (a) in relation to a vessel of the Navy, the officer commanding that vessel, being the officer appointed by the Commander as the officer in command of the vessel; or
- (b) in relation to a vessel of a third state that is being used for an operation under this Act pursuant to a shiprider agreement or other bilateral or multilateral maritime law enforcement arrangement to which Fiji is a party, the officer designated as the officer in command of the vessel for the purposes of that operation; or
- (c) in relation to a maritime operation involving more than one vessel, the officer appointed by the Commander as the officer in overall command of the operation, whether or not that officer is on board any particular vessel;

“Comptroller” means the Comptroller of the Fiji Revenue and Customs Service;

“Convention” means the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982;

“crew” includes every person, other than the master, employed or engaged in any capacity on board a ship;

“critical undersea infrastructure” means any submarine cable, pipeline, conduit, installation or other infrastructure located on, beneath or within the seabed that is essential to Fiji’s telecommunications, electricity supply, energy, national security, emergency services or other essential services, and includes any associated equipment, landing station or facility;

“customs officer” means a proper officer of the Fiji Revenue and Customs Service;

“enforcement officer” means a person who is authorised as an enforcement officer under section 15;

“Fiji ship” means a ship registered in Fiji in terms of the Ship Registration Act 2013, or a ship that is not registered under the law of any country but is owned wholly by persons who are citizens of, or ordinarily resident in, Fiji, or by the State;

“Fiji waters” means the internal waters, archipelagic waters, contiguous zone, continental shelf and territorial sea of Fiji;

“flag State” means, in relation to a ship, the country whose nationality the ship has, as determined in accordance with the law of that country and the Convention;

“foreign ship” means a ship that is registered in a country other than Fiji;

“hot pursuit” has the meaning given by section 25;

“international waters” means waters that are not the territorial sea, archipelagic waters, continental shelf or internal waters of any State;

“master” means the person for the time being in command or charge of a ship;

“Minister” means the minister responsible for defence;

“Ministry” means the ministry responsible for defence;

“MSOC” means the Maritime Senior Officials Committee established under section 7;

“Navy” means the naval element of the Republic of Fiji Military Forces;

“person in charge” means, in relation to a ship, the master or any other person who appears to an enforcement officer to be in charge of, or responsible for, the ship;

“relevant offence” has the meaning given by section 12;

“ship” means a vessel whether manned or unmanned of any kind used, or capable of being used, in navigation on water, however propelled or moved, and includes a barge, submarine, submersible, lighter or other floating vessel, or a hovercraft;

“ship without nationality” has the meaning given by section 14;

“shiprider agreement” means a shiprider agreement entered into between the Navy and another State or competent authority;

“suspect ship” has the meaning given by section 13; and

“use of force” includes the use of a firearm or other weapon, and the use of a ship or aircraft to intercept, disable or stop another ship.

Objects

3. The objects of this Act are to—

- (a) confer on the Navy, and on enforcement officers, powers to board, search and seize ships reasonably suspected of being involved in relevant offences;
- (b) enable the Navy to be assisted, in the exercise of those powers, by the Fiji Police Force, the Fiji Revenue and Customs Service, and other agencies and persons;
- (c) give effect, in domestic law, to rights and obligations of Fiji under the Convention and other applicable international law relating to law enforcement at sea; and
- (d) ensure that the powers conferred by this Act are exercised reasonably, proportionately, and with appropriate oversight and accountability.

Act binds State

4. This Act binds the State.

Application

5.—(1) This Act applies to a—

- (a) Fiji ship, wherever it is;
- (b) foreign ship, while it is in Fiji waters;
- (c) foreign ship beyond Fiji waters, only to the extent provided by Part 5; and
- (d) ship without nationality, wherever it is.

(2) This Act does not apply to—

- (a) warships of third countries in international waters except to the extent that they must comply with this Act and domestic laws when they enter Fiji waters;
- (b) ships owned or operated by the State and used on government related, non-commercial service, wherever they are; and
- (c) Navy boats or warships owned by the State, wherever they are.

Application on shiprider agreements

6.—(1) Despite anything contained in a shiprider agreement, any ship, vessel, equipment or other asset used in performing functions under this Act pursuant to a shiprider agreement is deemed, for the purposes of this Act, to be under the operational control of the Navy.

(2) An enforcement officer performing functions under this Act pursuant to a shiprider agreement is, while performing those functions, subject to the command and control of a commanding officer of the Navy.

(3) The command and control referred to in subsection (2) applies notwithstanding there being a senior officer of another State or competent authority present on, or participating in, the operation.

PART 2—MARITIME SENIOR OFFICIALS COMMITTEE

Establishment of MSOC

7. This section establishes the MSOC.

Members of MSOC

8.—(1) The MSOC consists of the following 12 *ex-officio* members or their respective nominees—

- (a) the Permanent Secretary responsible for defence as the Chairperson;
- (b) the Commander;
- (c) the Commissioner of the Police;

- (d) the Comptroller;
- (e) the Chief Executive Officer of the Maritime Safety Authority of Fiji;
- (f) the Permanent Secretary responsible for fisheries;
- (g) the Permanent Secretary responsible for immigration;
- (h) the Permanent Secretary responsible for environment;
- (i) the Permanent Secretary responsible for foreign affairs;
- (j) the Director-General of the Counter Narcotics Bureau;
- (k) the Solicitor-General; and
- (l) one other suitably qualified member nominated by the Minister.

(2) The MSOC may invite suitably qualified persons to provide advice on any matter under discussion, but they may not vote on any matter or form part of the quorum of members present and voting.

Functions of MSOC

9. The MSOC operates under the general policy direction of the National Security Council and must perform the following functions—

- (a) coordinate the implementation of this Act;
- (b) advise the Minister on maritime-security, safety and law-enforcement policy;
- (c) develop national protocols for joint maritime operations;
- (d) clarify lead-agency and supporting-agency responsibilities;
- (e) coordinate maritime surveillance and enforcement priorities;
- (f) establish standards for information sharing, evidence preservation, transfer of custody and referral of suspected offences;
- (g) oversee training, certification and cross-designation arrangements for maritime enforcement officers;
- (h) monitor the exercise of powers under this Act and compliance with applicable human-rights and procedural safeguards;
- (i) review significant incidents, joint operations and systemic operational issues;
- (j) coordinate the publication of maritime reports, safety recommendations and aggregated enforcement information;
- (k) monitor agency responses to maritime safety and enforcement recommendations;
- (l) recommend amendments to this Act and other relevant written laws; and
- (m) any other function prescribed by regulations.

Powers of MSOC

10. The MSOC has the power to—

- (a) establish temporary or permanent technical working groups or subcommittees;
- (b) establish and adopt its own working procedures;
- (c) appoint a secretariat comprising of officials from within the Ministry; and
- (d) do all things necessary to perform the functions conferred on it.

Meetings of MSOC

11.—(1) The MSOC may meet as often as necessary or expedient for the transaction of its business.

(2) The MSOC must meet at such times and places as the Chairperson may appoint.

(3) At a meeting of the MSOC—

- (a) 9 members constitute a quorum; and
- (b) the Chairperson has a casting vote where there is an equality of votes.

(4) The MSOC may formulate rules and procedures for the proper conduct of its meetings.

(5) The Ministry must provide the administrative and budgetary support necessary to enable the MSOC to carry out its meetings.

PART 3—RELEVANT OFFENCES AND SUSPECT SHIPS

Relevant offence

12.—(1) A relevant offence is an offence, committed or reasonably suspected of being committed on, from or using a ship, against any written law.

(2) A relevant offence includes an offence that has an international or transnational element, including an offence to which the United Nations Convention against Transnational Organized Crime, or a protocol to that convention, applies.

Suspect ship

13.—(1) A ship is a suspect ship if an enforcement officer has reasonable grounds to suspect that the ship is—

- (a) being, or has been, used in the commission of a relevant offence;
- (b) carrying a person who has committed, or is suspected of having committed, a relevant offence;
- (c) carrying goods that are the proceeds of, or anything that is related to, a relevant offence; or
- (d) a ship without nationality.

(2) For the purposes of this Act, a “suspect ship” includes ships that work in connection with or provide support, carry, launch or store one or more smaller ships and include motherships or support vessels.

Ships without nationality

14. For the purposes of this Act, a ship is taken to be without nationality if—

- (a) the master or person in charge, on being asked to do so, does not make a claim of nationality for the ship;
- (b) the claim of nationality made is denied by the government of the country claimed; or
- (c) the ship sails under the flags of 2 or more States, using them according to convenience, and no single claim of nationality is substantiated.

PART 4—ENFORCEMENT OFFICERS

Enforcement officers

15.—(1) The Commander may authorise in writing, any of the following to be enforcement officers for the purposes of this Act—

- (a) a member of the Navy;
- (b) a member of the military forces;
- (c) a police officer nominated by the Commissioner of the Police;
- (d) a Counter Narcotics Bureau officer nominated by the Director-General;
- (e) a customs officer nominated by the Comptroller;
- (f) an immigration officer nominated by the Permanent Secretary responsible for immigration; and
- (g) any other public officer nominated by the Minister to exercise powers under this Act, either generally or in relation to a specified operation.

(2) An authorisation under subsection (1) may be made subject to conditions, and may be limited to specified powers, ships, waters, or periods.

Assistance to enforcement officers

16.—(1) An enforcement officer may be assisted in the exercise of powers under this Act by—

- (a) another enforcement officer;
- (b) a member of the military forces;
- (c) a police officer;
- (d) a Counter Narcotics Bureau officer;
- (e) a customs officer;

- (f) an immigration officer;
- (g) an officer of another government agency; or
- (h) a person acting under and in accordance with an international agreement or arrangement to which Fiji is a party, including an officer of a foreign country to which a cooperation agreement with Fiji exists.

(2) A person assisting an enforcement officer under this section may exercise powers under this Act only under the direction, and in the presence or under the supervision, of that enforcement officer, unless this Act or the terms of the person's authorisation otherwise provide.

(3) The Commander may request the assistance of any relevant body referred to in subsection (1), in an operation under this Act, and that body must, so far as reasonably practicable, provide the assistance requested.

Identification of enforcement officers

17.—(1) Before exercising powers under this Act, an enforcement officer must, unless it is impracticable to do so in the circumstances—

- (a) identify himself or herself to the master of the ship, by name or unique identifier; and
- (b) state that the power is being exercised under this Act, and the reason for its exercise.

(2) An enforcement officer must, on request, produce evidence of his or her identity and authority.

Training

18. The Commander must ensure that an enforcement officer receives training appropriate for the exercise of powers under this Act.

Delegation

19.—(1) The Commander may, in writing, delegate his or her powers under this Act, to the commander of the Navy.

(2) A delegation under subsection (1)—

- (a) may be made subject to such conditions and limitations as the Commander thinks fit and specifies in the instrument of delegation;
- (b) is revocable at will by the Commander; and
- (c) does not prevent the Commander from exercising any power, function, or duty personally.

(3) A delegation under subsection (1), until revoked, continues in force notwithstanding that the Commander who made the delegation has ceased to hold that office, and continues to have effect as if made by a successor in office.

(4) Where a power is delegated under this section, any reference in this Act to the Commander is, in respect of the delegated power, to be read as including reference to the delegate.

PART 5—GEOGRAPHICAL SCOPE OF POWERS

Powers in Fiji waters

20. An enforcement officer may exercise powers under this Act in Fiji waters in relation to any ship reasonably suspected of being involved in a relevant offence.

Powers in international waters

21. Powers conferred under this Act in relation to actions to be taken beyond Fiji waters must be exercised in accordance with Articles 33, 56 and 58 of the Convention.

Powers over Fiji ships

22. An enforcement officer may exercise powers under this Act in relation to a Fiji ship wherever the ship is, including in international waters or the waters of another country, subject to any requirement of the law of that other country.

Powers over ships without nationality

23. An enforcement officer may exercise powers under this Act, within or beyond Fiji waters, in relation to a ship without nationality or a ship sailing under flags of convenience, consistently with Article 92(2) of the Convention.

Powers over foreign ships in international waters

24.—(1) An enforcement officer may exercise powers in relation to a foreign ship in international waters if the officer has reasonable grounds to suspect that the ship is engaged in a relevant offence, and—

- (a) the flag State of the ship has consented to the exercise of powers under this Act; or
- (b) the ship is reasonably suspected of meeting the criteria set out under section 23.

(2) The Minister may, by written arrangement or agreement with a foreign country, obtain the consent referred to in subsection (1)(a), either generally or for a specified operation, and must keep a record of any consent obtained.

Hot pursuit

25.—(1) An enforcement officer may pursue a foreign ship beyond Fiji waters, and may exercise powers under this Act in relation to that ship, if—

- (a) the pursuit is commenced while the foreign ship, or one of its boats, is within Fiji waters, and the officer has reasonable grounds to believe the ship has committed or is actively committing a relevant offence;
- (b) before the pursuit begins, a visual or auditory signal, including the use of radio, to stop is given, from a distance that enables it to be seen or heard by the foreign ship;

- (c) the pursuit is not interrupted; and
- (d) the pursuit is carried out by a ship or aircraft that is clearly marked and identifiable as being on government service and authorised to that effect.

(2) A pursuit that is otherwise authorised under this section may continue outside Fiji waters, but must cease as soon as the ship being pursued enters the territorial sea of its own country or of a third country.

(3) The power to pursue extends to the use of an unmanned vehicle at any stage of that pursuit and any change between multiple unmanned vehicles or between an unmanned vehicle and enforcement officer at any stage of the pursuit will not be deemed as an interruption under subsection 1(c).

(4) This section must be interpreted in accordance with Article 111 of the Convention.

Powers under international agreement

26. The Minister may, by order, declare that this Act applies in relation to a ship beyond Fiji waters, in accordance with an international agreement or arrangement to which Fiji is a party.

Powers over critical undersea infrastructure

27.—(1) The Minister may, by notice in the Gazette, declare an area as a protected area for the purposes of protecting critical undersea infrastructure.

(2) The Minister must consult the Navy and other relevant authorities before declaring a protected area for the purposes of this section.

(3) No person may anchor, dredge, fish or carry out any activity in a protected area that may damage or otherwise interfere with critical undersea infrastructure.

(4) An authorised officer may direct a vessel to stop, leave a protected area or cease an activity where the officer reasonably believes that the vessel may damage critical undersea infrastructure.

(5) Any person who damages or otherwise interferes with critical undersea infrastructure commits an offence and is liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years, or both.

PART 6—BOARDING AND SEARCH POWERS

General boarding and search provisions

28.—(1) The powers conferred under this part must, be exercised in a manner that is lawful, necessary and proportionate.

(2) An enforcement officer may require any ship, whether or not it is a suspect ship, to identify itself and provide any information that the officer may specify concerning the persons on board, but a requirement under this subsection does not of itself authorise the boarding or searching of the ship.

(3) Where enforcement officers from more than one agency or competent authority are present during the exercise of powers under this Act, each officer may exercise only the powers conferred on them by this Act or by any other written law applicable to them, and nothing in this Act authorises an enforcement officer to exercise a power conferred on another officer by a different written law.

(4) An enforcement officer who is a member of the Navy or military forces may exercise powers under this Act in relation to a suspected relevant offence only where no enforcement officer from an agency or competent authority with specific jurisdiction over that offence is present and available to exercise those powers at the time.

Power to board ship

29. An enforcement officer may board a suspect ship reasonably suspected of being involved in a relevant offence for the purpose of exercising powers under this Act.

Requirement to facilitate safe boarding

30.—(1) An enforcement officer may require the person in charge of a ship to take reasonable steps to facilitate the safe boarding of the ship.

(2) A requirement under this section may be communicated by radio, loud-speaker, signal, or any other reasonable means.

(3) Any person who without reasonable excuse, prevents, impedes or otherwise obstructs an enforcement officer from boarding a ship commits an offence and is liable on conviction to a fine not exceeding \$50,000, or to imprisonment for a term not exceeding 5 years, or both.

Power to require ship to proceed to a place

31. Where it is necessary for the exercise of powers under this Act, an enforcement officer may require the person in charge of a ship to take the ship, by a reasonable course and with reasonable speed, to a port or other place in Fiji.

Powers while on board

32. While lawfully on board a ship under this Act, an enforcement officer may—

- (a) move around the ship and search any part of it;
- (b) require the master or crew to answer questions and produce documents relevant to the ship, its cargo, its crew, and its passengers;
- (c) search and ask questions to the persons on board; and
- (d) remain on board for as long as reasonably necessary.

Power to search ship

33. The provisions of section 15(4) of the Criminal Procedure Act 2009 apply with the necessary modifications to the power of an enforcement officer to search a ship.

Power to search persons

34.—(1) An enforcement officer may search a person on board a suspect ship if the officer has reasonable grounds to suspect that the person is carrying evidence of a relevant offence, or anything that may present a danger to any person.

(2) The search of a person under this section must, so far as practicable, be conducted—

- (a) only when the enforcement officer reasonably believes that evidence may be concealed or destroyed if the search is not urgently conducted; and
- (b) in a manner consistent with the dignity of the person being searched.

Power to require information

35. An enforcement officer may question, and require the master, a crew member, or any other person on board a suspect ship, to answer questions, and to produce a document or record, relevant to determining whether a relevant offence has been, or is being, committed.

Use of equipment in search

36.—(1) An enforcement officer may use a dog, electronic device, imaging equipment, or other equipment reasonably necessary to assist in the exercise of a search power under this Part.

(2) The power to use equipment extends to the use of monitoring or surveillance equipment which includes unmanned vehicles or drones to monitor and track suspect ships.

Search without warrant

37.—(1) Powers to search under this Part may be exercised without a warrant.

(2) Where evidence in connection with an offence is retrieved from a ship pursuant to a search, the enforcement officer must make a written record of—

- (a) the ship searched, and its location at the time;
- (b) the grounds for the search; and
- (c) the result of the search.

Where nothing is found after a search

38. Where no evidence in connection with an offence is retrieved from a ship pursuant to a search, the enforcement officer must—

- (a) immediately release the ship;
- (b) inform the master of the ship of his or her right to lodge a complaint in terms of section 61; and
- (c) make a written record of—
 - (i) the ship searched, and its location at the time;
 - (ii) the grounds for the search; and
 - (iii) the result of the search.

PART 7—SEIZURE AND DETENTION OF THINGS

Power to seize

39. An enforcement officer may seize anything on board a suspect ship that the officer has reasonable grounds to believe is evidence of, or the proceeds or an instrument of, a relevant offence.

Power to detain

40.—(1) An enforcement officer may detain a person or a suspect ship if the officer has reasonable grounds to believe that detention is necessary—

- (a) to prevent the loss, destruction, or removal of evidence of a relevant offence;
- (b) to prevent the ship from being used to commit, or continue committing, a relevant offence; or
- (c) to enable the ship, or a person on board, to be dealt with under this Act or any other written law.

(2) A ship detained under this section may be taken to a port or other place determined by the enforcement officer to be reasonable in the circumstances for the purposes of conducting further searches for goods that are the proceeds of, or anything that is related to, a relevant offence.

(3) Where an enforcement officer detains a person, he or she may restrain that person only—

- (a) to prevent the escape of the detained person; or
- (b) if he or she reasonably believes that the detained person poses a threat to the safety of the enforcement officer or other persons on the ship.

(4) Restraint must only be conducted where satisfied that it will not place the detained person at risk of harm or danger.

(5) Restraint conducted under subsection (3) does not, in itself, constitute an arrest under this Act or any written law.

Notice of seizure or detention

41.—(1) As soon as practicable after seizing a thing, or detaining a ship, under this Part, an enforcement officer must give written notice of the seizure or detention to the master of the ship, or the owner of the thing, if that person can, with reasonable effort, be identified and notified.

(2) Where a thing has been seized or a ship has been detained, the enforcement officer must hand the matter over to—

- (a) the Fiji Police Force;
- (b) the Fiji Revenue and Customs Service; or
- (c) any other relevant government agency,

so that the matter may be dealt with under the applicable law.

Duration of detention of ship

42.—(1) A ship detained under section 40(2) must not be detained under this Act for more than 48 hours unless a court of competent jurisdiction, on application, extends the period of detention.

(2) The court may extend a period of detention under subsection (1) if satisfied that continued detention is reasonably necessary for the purposes of an investigation or proceedings relating to a relevant offence.

(3) A ship must be released as soon as the grounds for its detention no longer exist.

Return of seized things

43. A thing seized under this Part must be returned to the person from whom it was seized, or to its owner, as soon as practicable after it is no longer required as evidence, or for the purposes of an investigation or proceedings, unless the thing is forfeited, or its return is otherwise prohibited by law.

Disposal of seized things

44. The Minister may make regulations governing the storage, management, destruction or disposal of things seized or detained under this Act, including things that are forfeited under this Act or any written law.

PART 8—ARREST AND USE OF FORCE

Power of arrest

45.—(1) An enforcement officer who is a police officer, or who is accompanied by a police officer, may arrest, without warrant, a person on board a suspect ship whom the officer has reasonable grounds to believe has committed a relevant offence.

(2) An enforcement officer who is not a police officer or is not accompanied by a police officer may arrest, without warrant, a person on board a suspect ship, provided that the enforcement officer must, as soon as practicable after arriving on land, hand over the person to the Fiji police Force.

Rights of arrested persons

46. A person arrested under this Act must, as soon as practicable, be informed of the reason for the arrest and of the person's rights under the Constitution, in a language the person understands.

Persons to be brought before court

47. A person arrested under this Act must be brought before a court of competent jurisdiction within 48 hours from the time of arrest unless it is not practicable, whereupon it must be as soon as possible.

Immigration and customs matters

48. Where a relevant offence involves a suspected contravention of the Immigration Act 2003 or Customs Act 1986, the enforcement officer must, as soon as practicable, hand over the person arrested or detained to the relevant authority for that person to be dealt with under that Act.

General limits on use of force

49. An enforcement officer must not use force under this Act unless authority has been granted by a commanding officer, and the force used must be reasonable and proportionate in the circumstances.

Use of force against ship

50.—(1) An enforcement officer must not use force against a suspect ship unless—

- (a) the commanding officer has granted authority;
- (b) the ship has been ordered to stop by a clearly audible or visible signal, given at a distance that enables the signal to be seen or heard;
- (c) the ship has failed or refused to comply with the order; and
- (d) all other reasonable means of stopping the ship have been exhausted or are impracticable.

(2) Force used against a suspect ship under this section must, so far as possible, avoid endangering human life, and may only include the use of a firearm to disable a ship as a last resort and in a manner that minimises the risk of loss of life or injury.

Use of force against persons

51. An enforcement officer may use reasonable force against a person only—

- (a) where practicable to do so, and with prior authority from the commanding officer;
- (b) to defend the officer or another person from death or serious injury;
- (c) to prevent a person from escaping lawful custody; or
- (d) to overcome resistance to the lawful exercise of powers under this Act,

and must not use more force than is reasonably necessary in the circumstances.

Firearms

52.—(1) Only an enforcement officer who is authorised to use firearms by virtue of their function, rank or designation may lawfully use firearms under this Act.

(2) An enforcement officer must not use a firearm against a person except—

- (a) under the instruction of a commanding officer; and
- (b) where necessary to prevent death or serious injury to the officer or another person, and where less extreme means are insufficient to achieve that purpose.

Reporting on use of force

53. An enforcement officer who uses force under this Part must, as soon as practicable, report the use of force in writing to the Commander, who must forward a copy of the report to the Minister, and to the MSOC.

PART 9—RELATIONSHIP WITH OTHER LAWS

Relationship with Customs Act 1986

54.—(1) Nothing in this Act limits, or is limited by, the powers of a proper officer under the Customs Act 1986.

(2) Powers under this Act must not be exercised so as to duplicate or interfere with an investigation or process being lawfully undertaken by a proper officer under the Customs Act 1986, and an enforcement officer must, so far as practicable, coordinate with the Fiji Revenue and Customs Service before exercising powers under this Act in relation to a matter that is primarily a customs matter.

(3) This Act does not affect the primary responsibility of the Fiji Revenue and Customs Service for the enforcement of the Customs Act 1986, including the search of ships and goods for customs purposes at a port or other customs-controlled place.

Relationship with Police Act 1965

55.—(1) Nothing in this Act limits, or is limited by, the powers of a police officer under the Police Act 1965.

(2) Powers under this Act must not be exercised so as to duplicate or interfere with an investigation or process being lawfully undertaken by a police officer under the Police Act 1965, and an enforcement officer must, so far as practicable, coordinate with the Fiji Police Force before exercising powers under this Act in relation to a matter that is primarily a policing or criminal investigation matter.

Relationship with fisheries and biosecurity legislation

56. This Act does not limit the powers of an officer under the Fisheries Act 1941, the Offshore Fisheries Management Act 2012, or the Biosecurity Act 2008, and an enforcement officer may assist an authorised officer under those Acts in the same way as the officer may be assisted under section 16.

Relationship with Immigration Act 2003

57. An enforcement officer must, so far as practicable, coordinate with the ministry responsible for immigration before exercising powers under this Act in relation to a matter that is primarily an immigration matter.

Relationship with maritime and marine legislation

58.—(1) This Act must, so far as practicable, be read and construed consistently with the following Acts—

- (a) Marine Spaces Act 1977;
- (b) Maritime Safety Authority of Fiji Act 2009;
- (c) Maritime Transport Act 2013;
- (d) Ship Registration Act 2013; and
- (e) Commercial Use of Marine Areas Act 2026.

(2) Where the exercise of a power under this Act is inconsistent with the exercise of a power conferred under an Act referred to in subsection (1), the provision conferring the power under that Act prevails to the extent of the inconsistency.

Relationship with international law

59. This Act must, so far as practicable, be read and construed consistently with the Convention and any other rule of international law binding on Fiji.

PART 10—SAFEGUARDS, OVERSIGHT AND ACCOUNTABILITY

Annual report

60.—(1) The Commander must, in consultation with the MSOC, within 3 months after the end of each financial year, prepare a report on the exercise of powers under this Act during that year.

(2) The annual report must include the following matters—

- (a) the number and general nature of maritime operations conducted;
- (b) boardings, searches, detentions, seizures and arrests under this Act;
- (c) referrals to participating agencies;
- (d) enforcement and judicial outcomes, where known;
- (e) significant safety and compliance findings;
- (f) recommendations and their implementation status;
- (g) complaints and use-of-force information in aggregated form;
- (h) identified legislative or capability gaps; and
- (i) any other prescribed information.

(3) The Minister must table the report in Parliament within 14 sitting days after receiving it.

Complaints

61.—(1) A person may make a complaint to the Minister concerning a matter arising under this Act.

(2) The Minister must refer a complaint received under subsection (1) to the MSOC for consideration and advice before making a decision on the complaint.

(3) After considering the advice of the MSOC, the Minister may—

- (a) act on the recommendation made by the MSOC;
- (b) dismiss the complaint; or
- (c) take any action the Minister considers appropriate.

(4) Any person aggrieved by a decision of the Minister may appeal against that decision to the High Court within the prescribed time and in the prescribed manner.

Compensation

62.—(1) No compensation is payable to the owner of a ship or any other person for the cost of complying with a lawful order or direction under this Act.

(2) Despite subsection (1), the Minister may prescribe regulations providing for compensation arising out of detention and searches where nothing is found as provided under section 38.

Protection from liability

63. An enforcement officer, or a person assisting an enforcement officer, is not personally liable and does not incur criminal or civil liability for anything done, or omitted to be done, in good faith in the exercise or purported exercise of powers under this Act.

PART 11—MISCELLANEOUS

Offences

64. A person who—

- (a) without reasonable excuse, obstructs, hinders, resists, or fails to comply with a lawful requirement of an enforcement officer;
- (b) not being an enforcement officer, holds himself or herself out to be an enforcement officer; or
- (c) in response to a requirement under this Act, knowingly makes a statement, or produces a document, that is false or misleading,

commits an offence and is liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years, or both.

Regulations

65. The Minister may, in consultation with the MSOC, make regulations, not inconsistent with this Act, which include but are not limited to—

- (a) reporting requirements for ships sailing in Fiji waters;
- (b) forms and fees;
- (c) prohibitions on unauthorised broadcasting;
- (d) spaces prohibited from entry in Fiji waters;
- (e) the use of Automatic Identification System (AIS) by ships sailing in Fiji waters;
- (f) the use of unmanned aerial vehicles and unmanned surface vehicles in monitoring and surveilling Fiji waters;
- (g) offences for contraventions of the regulations and penalties of a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years, or both; or
- (h) any other matters required or permitted to be prescribed by this Act, or necessary for giving effect to this Act.

Information sharing agreements

66.—(1) The Navy may enter into an information-sharing agreement with a ministry, department or competent law enforcement authority, whether in Fiji or another country, for the purposes of the exercise of functions and powers under this Act.

(2) Any information shared in accordance with subsection (1) must be shared—

- (a) in accordance with this Act and any other written law; and
- (b) in accordance with and to the extent specified in the agreement between the parties.

(3) The Commander may issue guidelines, policies and procedures for the sharing, handling, storage and protection of information shared under this section.

(4) Nothing in this section prevents a ministry, department or competent law enforcement authority from sharing information with the Navy in the absence of an information-sharing agreement where the information is lawfully requested for the purposes of an operation or the exercise of a function or power under this Act.

Savings

67. Nothing done before the commencement of this Act by a member of the Navy, in relation to a ship, is invalidated only because powers under this Act had not yet come into force, but this section does not authorise anything that was unlawful when done.

Consequential amendment

68. The Republic of Fiji Military Forces Act 1949 is amended by—

(a) in section (2) —

- (i) after the definition of “military service” inserting the following new definition—

““Navy Force” means the branch of the Forces that is responsible for naval operations;”; and

- (ii) after the definition of “officer on the active list” inserting—

““Regular Force” means the Regular Force or Navy Force;”; and

- (iii) deleting the definition of “Regular officer” and substituting—

““Regular officer” means an officer who is, and during such time as he or she is, appointed to the Regular Force or Navy Force;”; and

(b) in section 4—

- (i) in subsection (1), after “a Territorial Force,”, inserting “a Navy Force,”;

- (ii) after subsection (1), inserting the following new subsection—

“(1A) The Navy Force is a specialised branch of the Regular Force and any reference in this Act to the Regular Force must be read to include the Navy Force unless the context otherwise requires.”.

Office of the Attorney-General
Suvavou House
Suva

September 2026

MARITIME POWERS BILL 2026

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 Powers Bill 2026 (**‘Bill’**) is to establish a comprehensive legislative framework governing the exercise of maritime powers by authorised officers in Fiji’s maritime zones. The Bill consolidates and modernises the legal powers relating to the boarding, searching, detention and movement of vessels, persons and goods, and provides a clear legal basis for the enforcement of Fiji’s maritime laws and the fulfilment of its international obligations.
- 1.2 The Bill implements, and must be read consistently with, the United Nations Convention on the Law of the Sea. In particular, the geographical limits on enforcement powers in Part 4 reflect Articles 27 and 33 (territorial sea and contiguous zone), Articles 56 and 58 (exclusive economic zone), Article 92 (flag State jurisdiction and ships without nationality), Article 101 (piracy), Article 110 (the right of visit on the high seas, and the compensation obligation where a boarding proves unfounded), and Article 111 (the conditions for hot pursuit).
- 1.3 The Bill is deliberately confined to the powers of the Navy and other enforcement officers to board, search, seize, detain and, where a police officer is involved, arrest. It does not create new substantive offences beyond those necessary to protect the integrity of the enforcement scheme itself; the underlying offences that ships and persons may be suspected of are those in the Crimes Act 2009, the Illicit Drugs Control Act 2004, the Immigration Act 2003, among others.
- 1.4 The Bill is designed to increase coordination with the Police and the Fiji Revenue and Customs Service. It does not limit or duplicate the powers of an enforcement officer under other written laws and it allows the Navy to be assisted by Customs, the Fiji Police Force, and other agencies.

2.0 CLAUSES

- 2.1 Clause 1 provides for the short title and provides that the Act will come into force on a date or dates appointed by the Minister by notice in the Gazette.

- 2.2 Clause 2 defines the terms used.
- 2.3 Clause 3 sets out the objects of the legislation which seek to confer powers on the Navy and enforcement officers to board, search and seize ships reasonably suspected of involvement in relevant offences, facilitate assistance from other government agencies and persons, give domestic effect to Fiji's rights and obligations under the United Nations Convention on the Law of the Sea.
- 2.4 Clause 4 provides that the Act binds the State.
- 2.5 Clause 5 provides for the application of the law to Fiji ships wherever they are, foreign ships while in Fiji waters, foreign ships beyond Fiji waters to the extent provided by Part 4, and ships without nationality wherever they are. It also provides for specified exclusions in relation to third-country warships in international waters and State-owned ships used for non-commercial government services, and Navy boats or warships.
- 2.6 Clause 6 provides for the application where maritime operations are conducted under a shiprider agreement or other maritime law enforcement arrangement.
- 2.7 Clause 7 establishes the Maritime Senior Officials Committee.
- 2.8 Clause 8 sets out the 12 *ex-officio* members who form the Maritime Senior Officials Committee.
- 2.9 Clause 9 sets out the functions of the Maritime Senior Officials Committee.
- 2.10 Clause 10 provides for the powers of the Maritime Senior Officials Committee.
- 2.11 Clause 11 provides for meetings of the Maritime Senior Officials Committee.
- 2.12 Clause 12 defines a "relevant offence". It includes an offence committed or reasonably suspected of being committed on, from or using a ship, against any written law.
- 2.13 Clause 13 provides the circumstances in which a ship is considered to be a suspect ship. These include where there are reasonable grounds to suspect that the ship has been used in the commission of a relevant offence, is carrying a person who has committed or is suspected of committing a relevant offence, is carrying goods connected with a relevant offence, or is a ship without nationality.
- 2.14 Clause 14 sets out circumstances in which a ship is taken to be without nationality.
- 2.15 Clause 15 provides for the designation of enforcement officers. The Commander may authorise members of the Navy, military forces, police officers, customs officers, immigration officers and other public officers to exercise powers.
- 2.16 Clause 16 provides for assistance to enforcement officers in the exercise of their powers.

- 2.17 Clause 17 requires an enforcement officer, unless it is impracticable in the circumstances, to identify himself or herself before or as soon as practicable after exercising powers.
- 2.18 Clause 18 requires the Commander to ensure that persons authorised as enforcement officers receive training relevant to their functions and duties.
- 2.19 Clause 19 enables the Commander to delegate powers.
- 2.20 Clause 20 provides that an enforcement officer may exercise powers in Fiji waters in relation to any ship reasonably suspected of being involved in a relevant offence.
- 2.21 Clause 21 provides that powers relating to actions beyond Fiji waters must be exercised consistently with Articles 33, 56 and 58 of the Convention.
- 2.22 Clause 22 provides that an enforcement officer may exercise powers in relation to a Fiji ship wherever the ship is.
- 2.23 Clause 23 provides that an enforcement officer may exercise powers in relation to a ship without nationality within or beyond Fiji waters, consistently with Article 92(2) of the Convention.
- 2.24 Clause 24 provides for the exercise of powers in relation to foreign ships in international waters where there are reasonable grounds to suspect that the ship is engaged in a relevant offence and the flag State has given consent.
- 2.25 Clause 25 provides for the pursuit of a foreign ship beyond Fiji waters where the pursuit is lawfully commenced while the ship is within Fiji waters.
- 2.26 Clause 26 enables the Minister, by order, to declare that the proposed law applies to a ship beyond Fiji waters in accordance with an international agreement or arrangement to which Fiji is a party.
- 2.27 Clause 27 provides for the protection of critical undersea infrastructure.
- 2.28 Clause 28 provides for general provisions which apply in all circumstances to boarding and searching of ships.
- 2.29 Clause 29 enables an enforcement officer to board a suspect ship for the purpose of exercising powers.
- 2.30 Clause 30 enables an enforcement officer to require the person in charge of a ship to take reasonable steps to facilitate safe boarding.
- 2.31 Clause 31 enables an enforcement officer, where necessary for the exercise of powers, to require the person in charge of a ship to take the ship to a port or other place in Fiji.

- 2.32 Clause 32 sets out the powers of an enforcement officer while lawfully on board a ship.
- 2.33 Clause 33 applies, with necessary modifications, the relevant search provisions of section 15(4) of the Criminal Procedure Act 2009 to searches of ships conducted by enforcement officers.
- 2.34 Clause 34 enables an enforcement officer to search a person on board a suspect ship.
- 2.35 Clause 35 enables an enforcement officer to question persons on board a suspect ship and require the production of documents.
- 2.36 Clause 36 enables an enforcement officer to use dogs, electronic devices, imaging equipment and other equipment reasonably necessary to assist in searches.
- 2.37 Clause 37 provides that search powers under Part 5 may be exercised without a warrant.
- 2.38 Clause 38 provides safeguards where a search of a ship does not result in the retrieval of evidence. The ship must be immediately released, the master must be informed of the right to make a complaint.
- 2.39 Clause 39 enables an enforcement officer to seize anything on board a suspect ship that the officer has reasonable grounds to believe is evidence of a relevant offence.
- 2.40 Clause 40 enables an enforcement officer to detain a person or suspect ship where detention is reasonably necessary to preserve evidence.
- 2.41 Clause 41 requires written notice to be given, as soon as practicable, following the seizure of a thing or detention of a ship.
- 2.42 Clause 42 limits the detention of a ship to 48 hours days unless a court extends the period.
- 2.43 Clause 43 requires things seized to be returned to the person from whom they were seized or to their owner as soon as they are no longer required for evidence.
- 2.44 Clause 44 enables the Minister to make regulations concerning the storage, management, destruction and disposal of things seized or detained.
- 2.45 Clause 45 provides for the arrest without warrant of a person on board a suspect ship where the person is reasonably believed to have committed a relevant offence.
- 2.46 Clause 46 requires a person arrested to be informed as soon as practicable of the reason for the arrest and of the person's constitutional rights.

- 2.47 Clause 47 requires a person arrested to be brought before a court of competent jurisdiction within 48 hours of arrest, unless that is not practicable.
- 2.48 Clause 48 provides for a person arrested or detained in connection with a suspected contravention of the Immigration Act 2003 or Customs Act 1986 to be handed over to the relevant officer or police officer.
- 2.49 Clause 49 provides that an enforcement officer may use force only where authority has been granted by a commanding officer.
- 2.50 Clause 50 establishes conditions for the use of force against a suspect ship.
- 2.51 Clause 51 permits an enforcement officer to use reasonable force against a person in specified circumstances, including defending against death or serious injury.
- 2.52 Clause 52 limits the use of firearms to enforcement officers authorised to use firearms by virtue of their function, rank or designation.
- 2.53 Clause 53 requires an enforcement officer who uses force to report the use of force in writing to the Commander as soon as practicable.
- 2.54 Clause 54 clarifies the relationship between the proposed law and the Customs Act 1986.
- 2.55 Clause 55 clarifies the relationship between the proposed law and police powers.
- 2.56 Clause 56 preserves the powers of authorised officers under fisheries and the biosecurity legislation.
- 2.57 Clause 57 clarifies the relationship between the proposed law and immigration legislation.
- 2.58 Clause 58 clarifies the relationship between the proposed law and maritime legislation.
- 2.59 Clause 59 requires the proposed law to be interpreted, so far as it permits, consistently with the Convention and any other rule of international law binding on Fiji.
- 2.60 Clause 60 requires the Commander to prepare an annual report.
- 2.61 Clause 61 provides a mechanism for complaints concerning the exercise of powers.
- 2.62 Clause 62 provides that unless prescribed otherwise, compensation is not payable for the cost of complying with a lawful order or direction.
- 2.63 Clause 63 provides protection from personal criminal and civil liability for enforcement officers.

- 2.64 Clause 64 creates offences and penalties.
- 2.65 Clause 65 empowers the Minister to make regulations.
- 2.66 Clause 66 provides for information sharing agreements.
- 2.67 Clause 67 preserves actions taken by members of the Navy or other officers in relation to ships before the commencement of the proposed law.
- 2.68 Clause 68 provides for the consequential amendment.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the minister responsible for defence.

S. D. TURAGA
Acting Attorney-General