

MARINE (AMENDMENT) ACT 1999

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ACT NO. 18 OF 1999



I assent

K. K. T. MARA
President

[19 March 1999]

AN ACT

TO AMEND THE MARINE ACT 1986

enacted by the Parliament of the Fiji Islands—

Short title and commencement

1.—(1) This Act may be cited as the Marine (Amendment) Act 1999.

(2) In this Act, “principal Act” means the Marine Act 1986.

Commencement

2. This Act comes into force on a date to be appointed by the Minister by notice in the Gazette.

Long title

3. The principal Act is amended by deleting the long title and substituting the following long title—

AN ACT TO PROVIDE A FRAMEWORK FOR THE PROPER OPERATION OF SHIPPING, TO GIVE EFFECT TO THE OBLIGATIONS OF THE REPUBLIC OF THE FIJI ISLANDS UNDER CERTAIN INTERNATIONAL MARITIME CONVENTIONS; AND FOR RELATED MATTERS”.

Application

4.—(1) Section 3 of the principal Act is amended in subsection (2)(a) by inserting the words “Maritime” and before “Ports Authority” and by replacing “Fiji” by “the Fiji Islands”.

(2) Section 3 of the principal Act is amended by adding the following subsection—

“(3) If there is any inconsistency between this Act and the Public Enterprise Act 1996, the Public Enterprise Act prevails to the extent of the inconsistency.”

New sections 3A and 3B

5. The principal Act is amended by inserting after section 3 the following sections—

“Administration

3A.—(1) Without derogating from any function or power specifically conferred upon any Minister, the Marine Board or the Director or any other person the Minister has principal responsibility for the administration of this Act.

(2) The powers conferred by this Act are in addition to and not in derogation from any other powers conferred upon the Director or the Marine Board by any other written law but must be exercised in accordance with and in furtherance of any Reorganisation Charter for the time being in force under the Public Enterprise Act 1996.

(3) Functions under this Act must be performed at a reasonable cost; and for that purpose a cost equal to or is a reasonable cost if the value of the cost to the State as a whole is equal to or exceeded by the value of the resulting benefit to the State as a whole.

Application of Commerce Act

3B. The Minister may delegate to the Commerce Commission, conditionally or unconditionally, the power to impose, modify or revoke conditions in respect of licences (within the meaning of the Fair Trading Decree) granted under this Act.”.

Act does not apply to naval ships, etc

6. Section 4 of the principal Act is amended in paragraph (a) by deleting “Royal Fiji Military Forces” and substituting “Republic of Fiji Military Forces”.

Interpretation

Section 5 of the principal Act is amended—

- (a) by inserting after the definition of “archipelagic waters” the following definition—

“‘Authority’ means the Maritime and Ports Authority of the Fiji Islands established under section 4 of the Maritime and Ports Authority of the Fiji Islands Act”;

- (b) by inserting after the definition of “beneficial interest” the following definition—

“‘Board’ means the Marine Board established by section 56”;

- (c) by inserting after the definition of “charterer” the following definition—

“‘Chief Executive’ means the Chief Executive of the Authority”;

- (d) in the definition of “Court” by deleting “Supreme” and substituting “High”;

- (e) in the definition of “declared port” by inserting “Maritime and” before “Ports Authority of the Fiji Islands”;

- (f) by inserting after the definition of “existing vessel” the following definition—

“‘Fiji’ or Fiji Islands means the Republic of the Fiji Islands”;

- (g) in the definition of “Government vessel” by deleting ‘Royal Fiji Military Forces’ and substituting ‘Republic of Fiji Military Forces’;

- (h) by repealing the definition of “Merchant Shipping Act”;

- (i) by inserting after the definition of “master” the following definition—

“‘Minister’ means the Minister responsible for maritime affairs”;

- (j) in the definition of “National Flag” by deleting ‘Royal Fiji Military Forces’ and substituting ‘Republic of Fiji Military Forces’ in paragraph (a);

- (k) by inserting after the definition of “pleasure craft” the following definitions—

“‘Port Master’ means a Port Master appointed under the Maritime and Ports Authority of the Fiji Islands Act (Cap. 181);

‘President’ means the President of the Marine Board”;

- (l) by repealing the definition of “shipping officer”.

Registered agents and qualifying services and routes

8. Section 15 of the principal Act is amended in subsection (4) by deleting “Minister” and substituting “Registrar”.

Register of vessels

9. Section 19 of the principal Act is amended by inserting after subsection (3) the following subsection—

“(4) If the Minister is satisfied that the Register—

- (a) is not being properly maintained with current details of all registered vessels; or
- (b) is not being made available for public inspection as required,

the Minister may authorise any other person to maintain the Register and make it available, and the costs involved, as approved by the Minister, must be met by the Marine Department.”.

Application for registration

10. Section 22 of the principal Act is amended in subsection (3) by deleting “and seaworthiness”.

Marking of a vessel

11. Section 23 of the principal Act is amended in subsection (4) by deleting “Minister” and substituting “Director”.

Registration certificate

12. Section 27(5) of the principal Act is amended by repealing paragraphs (b) and (c) and substituting the following paragraphs—

- “(b) the Registrar or any employee of the Authority; or
- (c) a person entitled by law to require its delivery.”.

Check of entries in the Register

13. Section 32 of the principal Act is amended in subsection (1) by—

- (a) deleting may and substituting must;
- (b) inserting “or if so requested by the Chief Executive or the Port Master,” after “vessel.”.

Power to inquire into ownership, etc, of a registered vessel

14.—(1) Section 45 of the principal Act is amended in subsection (1) by deleting “Minister” and substituting “Registrar” in both places where it occurs.

(2) Section 45 of the principal Act is amended in subsection (2) by deleting “Minister” and inserting Registrar.

(3) Section 45 of the principal Act is amended by deleting subsection (3) and substituting the following subsection—

“(3) If the owner of a vessel served with a notice under subsection (1) is unable to produce evidence that satisfies the Registrar that the vessel is entitled to remain registered, the Registrar may close the registration of the vessel.”.

(4) Section 45 of the principal Act is amended in subsection (4) by deleting “Upon the receipt by the Registrar of a notice referred to in” and substituting “If the registration of a vessel is closed under”.

Proceedings on forfeiture of a vessel

15. Section 51 of the principal Act is amended—

(a) in subsection (1) by deleting “Minister” and substituting “Director, the Chief Executive, or the Port Master”;

(b) in subsection (3) by deleting “Minister” and substituting “Director or the Chief Executive or the Port Master” in paragraph (a);

(c) in subsection (3) by deleting “Royal Fiji Military Forces” and substituting “Republic of Fiji Military Forces” in paragraph (c).

Application of Part

16. Section 55(2) of the principal Act is amended—

(a) by repealing paragraph (c);

(b) in paragraph (d) by inserting “that does not ply for hire or reward” after “craft”.

Replacement of section 56

17. The principal Act is amended by repealing section 56 and substituting the following sections—

“Establishment of the Marine Board and Committees

56.—(1) This section establishes a board, by the name of the Fiji Marine Board, which shall consist of—

- (a) the Director;
 - (b) the Chief Executive or his or her nominee; and
 - (c) not less than 2 nor more than 6 other persons appointed by the Minister who hold office for such periods as the Minister decides.
- (2) The persons appointed under paragraph (1)(c) must be persons who, in the opinion of the Minister, have wide knowledge and experience in the marine industry or commerce; and one of them must be appointed to be President of the Marine Board.
- (3) The office of a member becomes vacant if he or she is removed from office by the Minister.
- (4) The members of the Board are entitled to be paid such fees, allowances and expenses as the Minister approves.
- (5) The Minister may, with the approval of Cabinet, give to the Director, the Marine Board, the Chief Executive, the Port Master or the Authority general or special directions, not inconsistent with the provisions of this Act, as to the policy to be followed in the performance of any of their functions under this Act in relation to any matter appearing to the Minister to affect the interests of the State as a whole.
- (6) If the Minister gives a direction under subsection (5), effect must be given to it.
- (7) The Minister may establish one or more advisory committees for any of the purposes of this Act and may decide the membership and terms of reference of any such committee.

Meetings of the Marine Board

56A.—(1) The Marine Board must meet as often as is necessary or expedient and meetings must be held at such places and times as the Director decides:

Provided that not more than 2 months must elapse between meetings.

(2) If not less than 4 members by notice in writing signed by them and addressed to the Director request that a meeting be held for a purpose specified in the notice, the Director must within 7 days of receipt of the notice convene a meeting accordingly.

Procedure at meetings

56B.—(1) The quorum for a meeting of the Marine Board is 4.

(2) In the absence of the President of the Marine Board from a meeting, the members present must elect one of their number to be the chairman for that meeting.

(3) If any member is present at a meeting at which a matter is considered or proposed to be considered in which the member has, directly or indirectly, any financial or other interest, the member must, as soon as practicable after the commencement of the meeting, disclose that fact and must not take further part in the consideration of the matter or vote on any question with respect to that matter and, if the majority of the other members present so determine, must withdraw from the meeting during such consideration:

Provided that such an interest, if so disclosed by a member, does not disqualify the member for the purpose of constituting a quorum.

(4) A question arising at a meeting is to be decided by majority vote of the members present and voting on it and, in the case of an equality of votes, the chairman of the meeting has a second or casting vote.

(5) Meetings may be held by telecommunications means, and not in person, provided all members are able to participate.

(6) Subject to this Act, the Marine Board may determine and regulate its own procedure at meetings.

Execution of documents, etc.

56C.—(1) The common seal of the Marine Board must not be affixed except pursuant to a resolution of the Board and in the presence of either the Director or the Chief Executive and one other member, and such affixing must be authenticated by the signature of such persons.

(2) All documents to which the Marine Board is a party, other than those required by law to be under seal, may be signed on behalf of the Board by the Director or the Chief Executive, or by the Secretary or any member of the Marine Board generally or specially authorised by a resolution passed at a meeting of the Marine Board.

Acts not invalidated by vacancy, etc.

56D.—(1) No act or proceeding of the Marine Board is invalidated or may be questioned only on account of the existence of a vacancy among the members of the Board.

(2) Acts done by a person acting in good faith as a member of the Marine Board are as valid as if he or she were a member of the Board even if some defect in the appointment is afterwards discovered.

Servicing of Marine Board

56E.—(1) The Marine Board may engage the services of a Secretary but must not employ any other staff.

(2) The Ministry of the Minister responsible for maritime affairs is responsible for providing the services necessary for the Board to perform its functions, other than those of a Secretary.”.

Surveyors of vessels

18.—(1) Section 57 of the principal Act is amended in subsection (1)—

- (a) by deleting “Minister” and substituting “Marine Board” in the first line, and
- (b) by deleting “he” and substituting “it” in the second line.

(2) Section 57 of the principal Act is amended in subsection (2) by deleting “Minister” and substituting “Marine Board” in the second line.

(3) Section 57 of the principal Act is amended by repealing subsection (3).”.

Certificates to be produced before vessel goes to sea

19. Section 61 of the principal Act is amended in subsection (1) by inserting the “Port Master or any marine checker” after “Director”.

Special examination of vessels

20. Section 64 of the principal Act is amended in subsection (1) by inserting “or the Port Master” after “Director”.

Requirement to notify the Director of change in the condition of a vessel

21. Section 65 of the principal Act is amended in subsection (2) by inserting “and the Port Master” after “Director”.

Application for survey

22.—(1) Section 66 of the principal Act is amended in subsection (2) by deleting “subsection 57(2)” and substituting “subsection 57(1)”.

(2) Section 66 of the principal Act is amended by repealing subsection (3) and substituting—

“On receipt of an application under subsection (1) the Director shall advise the applicant of the full list of surveyors appointed by the Marine Board”.

Issue of survey or safety certificate

23.—(1) Section 67 of the principal Act is amended in subsection (1) by deleting “nominated by the Director” and substituting “selected” in the first line.

(2) Section 67 of the principal Act is amended in subsection (2) by deleting “nominated” and substituting “selected” in the first line.

Cancellation or suspension of survey or safety certificate

24.—(1) Section 68 of the principal Act is amended by inserting after subsection (1) the following subsection—

“(1A) If the Chief Executive or Port Master suspects that one of the situations described in subsection (1) exists he or she must report the matter to the Director who must investigate the matter.”.

(2) Section 68 of the principal Act is amended in subsection (2) by deleting “or a shipping officer”.

Alteration of a vessel

25. Section 69 of the principal Act is amended by deleting “\$2,000” and substituting “\$10,000”.

Number of persons that may be carried in a vessel

26. Section 81 of the principal Act is amended by deleting “A fine not exceeding \$1,000, and in addition a fine not exceeding \$100 for each person carried on board the vessel in excess of the permitted number of passengers” and substituting—

“A fine of \$5,000 and imprisonment for 2 years, and an additional fine of \$500 for each person carried on board the vessel in excess of the permitted number of passengers.”.

Submerged load line

27. Section 83 of the principal Act is amended by repealing subsection (6).

Detention of unsafe vessels

28.—(1) Section 85 of the principal Act is amended in subsection (1) by inserting “or the Port Master” after “Director” in paragraph (a).

(2) Section 85 of the principal Act is amended by inserting after subsection (1) the following subsection—

“(1A) In this section, an unsafe vessel includes any vessel that the Director or the Port Master reasonably believes should not in the interests of safety be permitted to load or discharge cargo or put to sea.”.

(3) Section 85 of the principal Act is amended in subsection (2) by inserting “or the Port Master, as the case may be,” after “Director”.

(4) Section 85 of the principal Act is amended in subsection (3) by inserting “or the Port Master, as the case may be,” after “Director”.

Reporting of casualties and incidents

29. Section 86 of the principal Act is amended in subsection (2)—

- (a) in paragraph (f) by deleting “Director” and substituting “Port Master”;
- (b) in paragraph (g) by deleting “Director” and substituting “Port Master” in both places where it occurs;
- (c) by inserting after subsection (2) the following subsection—

“(3) The Port Master must notify the Director of the event and provide him or her with a copy of any written report of the event.”.

Preliminary investigation

30. Section 88 of the principal Act is amended by inserting after subsection (1) the following subsection—

“(1A) Unless the Board decides otherwise in a particular case, the investigator must be independent of the Marine Board and the Authority.”.

Marine inquiries

31. Section 89 of the principal Act is amended—

- (a) in subsection (1) by inserting “believes that an inquiry should be held into any marine incident or” after “Minister”;
- (b) in subsection (2) by deleting “jointly by the Director and” and substituting “by the Chief Justice after consultation with”.

Safety and wellbeing of passengers

32. Section 93 of the principal Act is amended—

- (a) in subsection (2) by deleting “Director” and substituting “Port Master” in both places where it occurs;
- (b) in subsection (3) by deleting “Director” and substituting “Port Master”;
- (c) in subsection (4) by deleting “A fine not exceeding \$1,000, and in addition a fine not exceeding \$100 for each passenger carried in the vessel” and substituting—

“A fine of \$5,000 and imprisonment for 2 years, and an additional fine of \$500 for each passenger carried in the vessel.”.

Safety regulations

33. Section 94 of the principal Act is amended—

- (a) in subsection (1) by inserting “after consultation with the Chief Executive and the Director” after “may”;
- (b) in subsection (2) in paragraph (ac) by deleting “by the Minister” and substituting “under section 89”.

Application of Part

34. Section 95 of the principal Act is amended in subsection (2)—

- (a) in paragraph (b) by inserting “that does not ply for hire or reward” after “craft”;
- (b) by repealing paragraph (d).

Appointment of shipping officers

35. The principal Act is amended by repealing section 97.

Vessels to be properly manned

36. Section 98 of the principal Act is amended in subsection (1) by deleting “\$1,000” and substituting “\$10,000”.

Suspension or cancellation of certificate by the Director

37. Section 100 of the principal Act is amended in subsection (6) in paragraph (c) by deleting “or a shipping officer”.

Appeals

38. Section 101 of the principal Act is amended in subsection (1) in paragraph (c) by deleting “Director’s” and substituting “Marine Board’s”.

Production of Certificate

39. Section 102 of the principal Act is amended—

- (a) by repealing paragraph (b);
- (b) by inserting “or any nominee of either of them” before “acting”.

Supply and engagement of seamen

40. Section 104 of the principal Act is amended in subsection (1) —

- (a) in paragraph (b) by adding “or” at the end;
- (b) by repealing paragraph (c).

Prohibition of providing employment for reward

41. The principal Act is amended by repealing section 105.

Agreements to be approved

42. Section 109 of the principal Act is amended—

- (a) in subsection (1) —
 - (i) in paragraph (a) by deleting “a shipping officer” and substituting “the Director”;
 - (ii) in paragraph (b) by deleting “shipping officer” and substituting “Director”;
- (b) in subsection (2) by deleting “A shipping officer” and substituting “The Director”.

Termination of agreement

43. Section 111 of the principal Act is amended—

- (a) in subsection (3) by deleting “a shipping officer” and substituting “the Director”;
- (b) in subsection (4) by deleting “a shipping officer” and substituting “the Director”.

Approval of employment of citizens on foreign vessels

44. Section 113 of the principal Act is amended—

- (a) in subsection (1) by deleting “or a shipping officer”;
- (b) in subsection (2) by deleting “or a shipping officer”.

Effects of deceased seamen

45. Section 124 of the principal Act is amended—

- (a) in subsection (1) by deleting “a shipping officer” and substituting “the Port Master”;
- (b) in subsection (2) by deleting “a shipping officer” and substituting “the Port Master”.

Disciplinary offences

46. Section 129 of the principal Act is amended in subsection (1) by deleting “a shipping officer” and substituting “the Director”.

Appeal against suspension

47. Section 130 of the principal Act is amended—

- (a) in subsection (1) by deleting “Resident”;
- (b) in subsection (2) by deleting “Resident”.

Reports of accidents

48. Section 138 of the principal Act is amended by deleting “a shipping officer and substituting “the Port Master”.

Inquiries into accidents on board vessels

49.—(1) Section 139 of the principal Act is amended by deleting subsection (1) and substituting the following subsection—

“(1) Subject to subsection (2) if—

- (a) a person dies or suffers serious injury on board a vessel; or
- (b) seaman belonging to a vessel dies or suffers serious injury whilst away from the vessel,

the Director may, and must if the Chief Executive or Port Master so requires, authorise an appropriate person to hold an inquiry into the matter and the cause of the death or injury.”

(2) Section 139 of the principal Act is amended in subsection (3) by deleting “a surveyor”.

Reports of inquiries

50. Section 140 of the principal Act is amended in subsection (2) by inserting “the Chief Executive and” after “to”.

Seamen Regulations

51. Section 143 of the principal Act is amended—

- (a) in paragraph (e) by deleting “a shipping officer” and substituting “the Director”;
- (b) in paragraph (g) by deleting “a shipping officer” and substituting “the Director”;
- (c) in paragraph (i) by deleting “a shipping officer” and substituting “the Director”.

Requirement to furnish information

52. Section 156 of the principal Act is amended—

- (a) in subsection (2) by deleting “a public officer” and substituting “person”;

- (b) in subsection (3) in paragraph (b) by deleting “an officer” and substituting “a person”;
- (c) in subsection (4) by deleting “public officer” and substituting “person”.

Establishment of aids

53.—(1) Section 160 of the principal Act is amended in subsection (1) by inserting “, after consulting the Director and the Chief Executive,” after “Minister”.

(2) Section 160 of the principal Act is amended by inserting after subsection (1) the following subsection—

“(1A) The Authority is responsible for the maintenance and operation of any aid established by the Minister.”.

Control of private aids

54. Section 161 of the principal Act is amended—

- (a) in subsection (1) by deleting “Minister’s” and substituting “Authority’s”;
- (b) in subsection (2) by deleting “Minister may if in his” and substituting “Authority may if in its”;
- (c) in subsection (4) by deleting “Minister” and substituting “Authority”.

Inspection of aids and lights

55. Section 162 of the principal Act is amended in subsection (1) by deleting “Minister” and substituting “Chief Executive”.

Offences in relation to aids

56.—(1) Section 163 of the principal Act is amended in subsection (1) by adding the following paragraph—

“(e) display any light or use any equipment that may be mistaken for or affect the efficiency of any aid.”.

(2) Section 163 of the principal Act is amended in subsection (2) by deleting “Director” and substituting “Chief Executive”.

Detention of a vessel which damages an aid

57. Section 164 of the Act is amended in subsection (1) by adding “to the Authority” at the end.

Navigational aid contributions

58. Section 165 of the principal Act is amended in subsection (1) by adding “to the Authority” at the end.

Navigational aids Regulations

59. Section 166 of the principal Act is amended—

- (a) by inserting “after consulting the Marine Board and the Authority” after “may”;
- (b) in paragraph (c) by deleting “Director” and substituting “Chief Executive”.

Extension of Parts IV and V to fishing vessels

60. Section 167 of the principal Act is amended by deleting “Minister” and substituting “Board”.

Exemption of fishing vessels

61. Section 168 of the principal Act is amended by deleting “Minister” and substituting “Board”.

Limitation of Shipowners' liability

62. Section 177 of the principal Act is amended in subsection (2) in paragraph (b) by deleting “Royal Military Forces of Fiji” and substituting “Republic of Fiji Military Forces”.

Pilotage Areas

63. Section 183 of the principal Act is amended by inserting “and the Authority,” after “Board”.

Vessels required to take licensed pilots on board

64. Section 185 of the principal Act is amended by inserting after subsection (1) the following new subsection—

“(1A) If regulations have been made under section 63 of the Maritime and Ports Authority of the Fiji Islands Act concerning the conduct of pilotage in a compulsory pilotage area, the licensed pilot referred to in subsection (1)(b) must be a pilot who is authorised by or under those regulations, or a contract made pursuant to those regulations, to offer pilotage in the area.”.

Pilotage licenses

65. Section 188 of the Act is amended—

- (a) by repealing subsection (1);
- (b) in subsection (2) by deleting “Subject to subsection (1)”.

Suspension of a pilotage license

66. Section 189 of the principal Act is amended in subsection (1)—

- (a) by deleting "Marine Board" and substituting "Director";
- (b) by deleting "it" and substituting "he".

Inquiry into incompetence, etc of a licensed pilot

67. Section 190 of the principal Act is amended—

- (a) in subsection (2) by deleting "conjointly by the Director and" and substituting "by the Chief Justice after consultation with";
- (b) in subsection (7) —
 - (i) in paragraph (b) by adding "and" at the end;
 - (ii) by inserting after paragraph (b) the following paragraph—
" (c) the Authority".

Civil liability for loss or damage

68. Section 198 of the principal Act is amended by inserting "nor the Authority" after "Board".

Appointment of shipping inspectors

69. Section 202 of the principal Act is amended by inserting "or the Authority" after "Director".

Functions and powers of a shipping inspector

70.—(1) Section 203 of the principal Act is amended in subsection (4) by—

- (a) inserting "or Port Master" after "Director" in the first line;
- (b) in paragraph (a) by inserting "or Port Master" after the word "Director".

(2) Section 203 of the principal Act is amended in subsection (5) by inserting "or Port Master" after "Director".

Persons deemed to be marine checkers

71. Section 204 of the principal Act is amended by adding the following subsections—

"(2) The Director must appoint a sufficient number of persons to be marine checkers and those persons need not be surveyors.

(3) A marine checker appointed under subsection (2) need not be, and does not by virtue of the appointment become, an employee of the Authority."

Detention of a vessel

72. Section 206 of the principal Act is amended—

- (a) in subsection (1) by inserting “or the Port Master” after “Director”;
- (b) in subsection (2) by inserting “or the Port Master” after “Director”.

Vessels wrecked

73. Section 209 of the principal Act is amended in subsection (2) by inserting “acting on the advice of the Director and Chief Executive” after “Minister”.

Sinking of hulks

74. Section 210 of the principal Act is amended—

- (a) in subsection (2) by inserting “and the Chief Executive” after “Director,”;
- (b) in subsection (3) by adding “and the Chief Executive” at the end;
- (c) in subsection (4)—
 - (i) by inserting “and the Chief Executive” after “Director,”;
 - (ii) in paragraph (f) by deleting “the Director or”;
 - (iii) in paragraph (f) by inserting “and the Chief Executive” after “Director”.

Prohibition on approaching dangerous wrecks

75. Section 211 of the principal Act is amended in subsection (1) by deleting “Director” and inserting “Chief Executive”.

Delegation by the Director

76. Section 214 of the principal Act is amended by inserting after subsection (2) the following subsection—

“(2A) A delegation under subsection (1) may be made to any public officer to or any employee of the Authority.”.

Minister, etc to have seal

77. Section 215 of the Act is amended—

- (a) in subsection (1) by inserting after paragraph (b) the following paragraph—

“(ba) the Chief Executive;”;
- (b) in subsection (2) by adding “and the seal of the Authority when used for the purposes of this Act must be similarly recognised” at the end.

Mode of making declaration

78. Section 219 of the principal Act is amended by deleting subsection (1) and substituting the following subsection—

“(1) A declaration required by this Act may be made before the Director, Chief Executive or Registrar, or a delegate of any of them, a Justice of the Peace, or a Commissioner for Oaths.”.

Declaration: as to application of treaties

79. Section 221 of the principal Act is amended by inserting after subsection (2) the following subsection—

“(3) Judicial notice is to be taken of any declaration under subsection (2)”.

80. The principal Act is amended by inserting after section 223 the following section—

Who may bring proceedings

223A. Proceedings may be brought by the Director, Registrar, Chief Executive or Port Master or any delegate of any of them.”.

Averment

81. Section 224 of the principal Act is amended in subsection (1)—

- (a) in paragraph (a) by adding “or the Chief Executive or Port Master” at the end;
- (b) in paragraph (b) by deleting “a shipping officer”.

Penalties

82. The principal Act is amended in each of the sections listed in the first column of the Schedule by deleting the expression alongside that section appearing in column 2 and substituting the expression in column 3.

SCHEDULE
(Section 79)

Amended penalties

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
7(2)	A fine not exceeding \$500	A fine of \$1,000
7(3)	A fine not exceeding \$500	A fine of \$1,000
8(1)	A fine not exceeding \$500	A fine of \$1,000
9(1)	A fine not exceeding \$5,000	A fine of \$10,000
15(3)	A fine not exceeding \$1,000	A fine of \$2,000
23(2)	A fine not exceeding \$2,000	A fine of \$4,000
23(3)	A fine not exceeding \$2,000	A fine of \$4,000
26(2)	A fine not exceeding \$2,000	A fine of \$4,000
27(2)	A fine not exceeding \$1,000	A fine of \$2,000
27(4)	A fine not exceeding \$2,000	A fine of \$4,000
27(5)	A fine not exceeding \$1,000	A fine of \$2,000
28(3)	A fine not exceeding \$500	A fine of \$1,000
31(1)	A fine not exceeding \$5,000	A fine of \$10,000
32(2)	A fine not exceeding \$2,000	A fine of \$4,000
44(1)	A fine not exceeding \$2,000	A fine of \$4,000
44(11)	A fine not exceeding \$500	A fine of \$1,000

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
45(2)	A fine not exceeding \$2,000	A fine of \$4,000
52	A fine not exceeding \$1,000	A fine of \$2,000
58(2)	A fine not exceeding \$2,000	A fine of \$4,000
58(3)	A fine not exceeding \$2,000	A fine of \$4,000
58(4)	A fine not exceeding \$2,000	A fine of \$4,000
58(10)	A fine not exceeding \$1,000	A fine of \$2,000
59	A fine not exceeding \$2,000	A fine of \$4,000
60(5)	A fine not exceeding \$2,000	A fine of \$4,000
61(2)	A fine not exceeding \$2,000	A fine of \$4,000
63(4)	A fine not exceeding \$1,000	A fine of \$2,000
63(5)	A fine not exceeding \$1,000	A fine of \$2,000
64(2)	A fine not exceeding \$1,000	A fine of \$2,000
65(2)	A fine not exceeding \$5,000	A fine of \$10,000
68(3)	A fine not exceeding \$500	A fine of \$1,000
70	A fine not exceeding \$500	A fine of \$1,000
71	A fine not exceeding \$2,000	A fine of \$4,000
72	A fine not exceeding \$500	A fine of \$1,000
73(1)	A fine not exceeding \$1,000	A fine of \$2,000
73(2)	A fine not exceeding \$500	A fine of \$1,000

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
74(1)	A fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both	A fine of \$10,000 and imprisonment for 2 years
75	A fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both	A fine of \$10,000 and imprisonment for 2 years
82(2)	A fine not exceeding \$2,000	A fine of \$4,000
83(4)	A fine not exceeding \$2,000, and in addition a fine not exceeding \$1,000	A fine of \$4,000 and in addition a fine of \$2,000
84(2)	A fine not exceeding \$2,000	A fine of \$4,000
86(2)	A fine not exceeding \$2,000	A fine of \$4,000
88(3)	A fine not exceeding \$2,000	A fine of \$4,000
89(7)	A fine not exceeding \$2,000	A fine of \$4,000
90(3)	A fine not exceeding \$200	A fine of \$400
96(4)	A fine not exceeding \$1,000	A fine of \$2,000
98(3)	A fine not exceeding \$1,000	A fine of \$2,000
100(7)	A fine not exceeding \$200	A fine of \$400
102	A fine not exceeding \$100	A fine of \$200
103(1)	A fine not exceeding \$500	A fine of \$1,000
103(2)	A fine not exceeding \$1,000	A fine of \$2,000
104(1)	A fine not exceeding \$500	A fine of \$1,000
104(3)	a fine not exceeding \$500	a fine of \$1,000

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
104(4)	A fine not exceeding \$1,000	A fine of \$2,000
106(2)	A fine not exceeding \$2,000	A fine of \$4,000
108	A fine not exceeding \$500	A fine of \$1,000
109(1)	A fine not exceeding \$1,000	A fine of \$2,000
110(1)	A fine not exceeding \$500	A fine of \$1,000
110(3)	A fine not exceeding \$500	A fine of \$1,000
113(1)	A fine not exceeding \$5,000	A fine of \$10,000
113(3)	A fine not exceeding \$5,000	A fine of \$10,000
116	A fine not exceeding \$500	A fine of \$1,000
120(1)	A fine not exceeding \$1,000	A fine of \$2,000
120(2)	A fine not exceeding \$1,000	A fine of \$2,000
121(1)	A fine not exceeding \$500	A fine of \$1,000
121(3)	A fine not exceeding \$500	A fine of \$1,000
122	A fine not exceeding \$500	A fine of \$1,000
123(2)	A fine not exceeding \$5,000	A fine of \$10,000
123(3)	A fine not exceeding \$5,000	A fine of \$10,000
123(4)	A fine not exceeding \$2,000	A fine of \$4,000
124(1)	A fine not exceeding \$500	A fine of \$1,000
125(2)	A fine not exceeding \$1,000 or imprisonment for a term not exceeding 1 year or both	A fine of \$2,000 and imprisonment for 1 year

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
126	A fine not exceeding \$2,000 or imprisonment for a term not exceeding 1 year or both	A fine of \$4,000 and imprisonment for 2 years
127	A fine not exceeding \$500	A fine of \$1,000
129(1)	A fine not exceeding \$500	A fine of \$1,000
131	A fine not exceeding \$2,000 or imprisonment for a term not exceeding 1 year or both	A fine of \$2,000 and imprisonment or 1 year
132(2)	A fine not exceeding \$100	A fine of \$200
135(1)	A fine not exceeding \$1,000	A fine of \$2,000
135(2)	A fine not exceeding \$1,000	A fine of \$2,000
136	A fine not exceeding \$1,000	A fine of \$2,000
137	A fine not exceeding \$1,000	A fine of \$2,000
138	A fine not exceeding \$1,000	A fine of \$2,000
148(2)	A fine not exceeding \$10,000	A fine of \$20,000
151(3)	A fine not exceeding \$500	A fine of \$1,000
155(1)	A fine not exceeding \$2,000	A fine of \$4,000
156(3)	A fine not exceeding \$1,000	A fine of \$2,000
156(4)	A fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both	A fine of \$4,000 and imprisonment for 1 year
160(2)	A fine not exceeding \$2,000	A fine of \$4,000
161(1)	A fine not exceeding \$1,000	A fine of \$2,000

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
161(3)	A fine not exceeding \$2,000	A fine of \$4,000
162(3)	A fine not exceeding \$1,000	A fine of \$2,000
163(1)	A fine not exceeding \$1,000	A fine of \$2,000
163(2)	A fine not exceeding \$1,000	A fine of \$2,000
165(2)	A fine not exceeding \$1,000	A fine of \$2,000
185(1)	A fine not exceeding \$2,000	A fine of \$4,000
186(1)	A fine not exceeding \$5,000	A fine of \$10,000
188(7)	A fine not exceeding \$2,000	A fine of \$4,000
190(6)	A fine not exceeding \$2,000	A fine of \$4,000
191	A fine not exceeding \$500	A fine of \$1,000
192(6)	A fine not exceeding \$2,000	A fine of \$4,000
193(1)	A fine not exceeding \$2,000	A fine of \$4,000
193(2)	A fine not exceeding \$2,000	A fine of \$4,000
194(2)	A fine not exceeding \$5,000	A fine of \$10,000
194(3)	A fine not exceeding \$2,000	A fine of \$4,000
200(1)	A fine not exceeding \$2,000	A fine of \$4,000
203(6)	A fine not exceeding \$1,000	A fine of \$2,000
205(3)	A fine not exceeding \$1,000	A fine of \$2,000
206(3)	A fine not exceeding \$5,000	A fine of \$10,000

<i>Section</i>	<i>Deleted Expression</i>	<i>Substituted Expression</i>
208(1)	A fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months or both	A fine of \$2,000 and imprisonment for 6 months
210(2)	A fine not exceeding \$5,000	A fine of \$10,000
210(5)	A fine not exceeding \$5,000	A fine of \$10,000
211(3)	A fine not exceeding \$1,000	A fine of \$2,000
212(1)(e)(i)	A fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both	A fine of \$10,000 and imprisonment for 2 years
212(1)(e)(ii)	A fine not exceeding \$20,000	A fine of \$40,000
213(3)(a)	a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both	A fine of \$10,000 and imprisonment for 2 years
213(3)(b)	a fine not exceeding \$50,000	A fine of \$100,000
217(2)	A fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both	A fine of \$10,000 and imprisonment for 2 years
218	A fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both	A fine of \$4,000 and imprisonment 1 year

Passed by the House of Representatives this 24th day of February 1998.

Passed by the Senate this 8th day of March 1999.