



REPUBLIC OF NAURU

# MARITIME SECURITY BILL 2019

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No.    of 2019

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A Bill for an Act to make provision for improved Maritime Security and for related purposes.

Certified: [   ]

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Enacted by the Parliament of Nauru as follows:

## **PART 1 – PRELIMINARY**

### **1 Short Title**

This Act may be cited as the *Maritime Security Act 2019*.

### **2 Commencement**

This Act commences on 1 February 2020.

### **3 Objectives**

The objectives of this Act are to:

- (a) enhance security on Nauruan ships and in Nauru waters;
- (b) safeguard maritime operations against unlawful acts;
- (c) protect persons, property and the environment from dangers arising from unlawful acts; and
- (d) comply with Nauru's international maritime security obligations, particularly under SOLAS and SUA.

### **4 Application**

(1) Subject to subsections (2) and (3), this Act applies to:

- (a) Nauruan ships over 500gt which engage on international voyages and the companies who owns such ships;
- (b) foreign ships over 100gt in Nauru waters;
- (c) Nauru ports that serve ships of a type specified in paragraph (a); and
- (d) other ships and ports prescribed by regulations.

(2) Subject to subsections (3) and (4), this Act does not apply to:

- (a) pleasure craft; or
- (b) warships, naval auxiliaries or other ships owned and operated by the Republic or another state and used on non-commercial government service.

(3) Section 13 applies to:

- (a) all Nauru ports;
- (b) all Nauruan ships; and

- (c) all foreign ships in Nauru waters and the contiguous zone other than warships or naval auxiliaries.

## 5 Interpretation

(1) In this Act:

**‘aid to navigation’** means a device, system, service or facility, external to ships, specifically intended to assist ships to determine their position or safe course, or to warn of dangers or obstructions to navigation;

**‘AIS’** means a property functioning automatic identification system complying with the requirements of SOLAS regulation V/19;

**‘alternative security arrangement’** means an international agreement as described in SOLAS regulation XI-2/11;

**‘amendment’** means:

- (a) in relation to a ship security plan, an amendment to that ship security plan ; or
- (b) in relation to a port facility security plan, an amendment to that port facility security plan

**‘ammunition’** means any projectile that is designed or has the capability to cause death, serious bodily injury or substantial material damage if propelled or launched from a weapon;

**‘appealable decision’** means:

- (a) a decision by the Authority to refuse to approve:
  - (i) a ship security plan or amendment; or
  - (ii) a port facility security plan or amendment;
- (b) a failure by the Authority to refuse or approve:
  - (i) a ship security plan or amendment; or
  - (ii) a port facility security plan or amendment,within a reasonable time;
- (c) a decision by the Authority to vary or cancel an approved plan;
- (d) a decision to cancel a certificate;
- (e) a decision by the Authority refusing to issue a SID; or
- (f) a failure by the Authority to grant or refuse to issue a SID within a reasonable time.

**‘approved plan’** means:

- (a) in relation to a ship, a ship security plan, or amendment that has been approved by the Authority; or
- (b) in relation to a port, a port facility security plan or amendment that has been approved by the Authority, -

and includes, where appropriate, a physical or electronic copy of the instrument of approval;

**‘authorised person’** means:

- (a) a maritime security guard;
- (b) a customs officer;
- (c) a police officer;
- (d) an immigration officer;
- (e) a quarantine officer;
- (f) a port facility security officer;
- (g) a ship security officer;
- (h) an employee or officer of the Authority;
- (i) an employee or officer of a port facility operator;
- (j) a visitor; or
- (k) any other person prescribed by regulations or required to perform any official duties for the purposes of giving effect to this Act and regulations;

**‘Authority’** means the Nauru Maritime and Port Authority established under the *Ports and Navigation Act 2019*;

**‘C185’** means the Seafarers’ Identity Documents Convention (Revised), done at Geneva on 19 June 2003; and includes all:

- (a) Annexes and Appendices to that Convention;
- (b) amendments to that Convention; and;
- (c) Protocols to that Convention;

**‘Code’** means the International Code for the Security of Ships and of Port Facilities, consisting of Part A (**‘Part A’**) (the provisions of which are mandatory) and Part B (**‘Part B’**) (the provisions of which are recommendatory), as adopted, on 12 December 2002, by resolution 2 of the Conference of Contracting Governments, and as may be amended by the IMO, provided that: