

BILL NO. 22 OF 2022

A BILL

FOR AN ACT TO PROVIDE FOR THE DEVELOPMENT OF INFORMAL SETTLEMENTS IN FIJI 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 Development of Informal Settlements Act 2022.
- (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—

“development lease” means an agreement—

- (a) executed by TLTB with the lessee in respect of iTaukei land for the purpose of developing the iTaukei land, and with the intention of granting the lessee a lease over the iTaukei land for a term not exceeding 99 years; or

- (b) executed by the Director of Lands with the lessee in respect of State land for the purpose of developing the State land, and with the intention of granting the lessee a lease over the State land for a term not exceeding 99 years;

“dwelling” means a house, apartment, flat, shack or any other structure erected and used for a residential purpose, including any structure in the surrounding area;

“informal tenant” means a person whose dwelling is located on the iTaukei land or State land, as the case may be, over which a development lease exists, without the consent of TLTB, the Director of Lands or the lessee, and includes any other person who resides at the informal tenant’s dwelling;

“lessee” means the Ministry responsible for housing and community development or the Director of Lands, as the case may be;

“Minister” means the Minister responsible for housing and community development; and

“TLTB” means the iTaukei Land Trust Board established under section 3 of the iTaukei Land Trust Act 1940.

Act to bind the State

3. This Act binds the State.

PART 2—RELOCATION OF INFORMAL TENANTS

Compulsory relocation of informal tenants

4.—(1) Notwithstanding anything contained in any other written law, for the purpose of developing the iTaukei land or State land over which a development lease exists, the lessee may require an informal tenant to be relocated from the informal tenant’s dwelling to an alternative housing arrangement for such period and subject to such terms and conditions as the lessee may deem necessary.

(2) The informal tenant must, within the period specified by the lessee in writing for relocation, relocate himself or herself together with all of his or her possessions to the alternative housing arrangement.

(3) If an informal tenant fails to relocate within the period specified by the lessee in writing for relocation, the lessee or any other person authorised by the lessee, may remove the informal tenant’s dwelling.

Offences

5.—(1) If an informal tenant fails to relocate within the period specified by the lessee in writing for relocation, the informal tenant commits an offence and is liable on conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 10 years or both.

(2) If an informal tenant fails to comply with any term or condition determined by the lessee, the informal tenant commits an offence and is liable on conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 10 years or both.

(3) Any person who wilfully hinders or obstructs any person duly authorised by the lessee from entering or taking possession of or using any iTaukei land or State land over which a development lease exists, or hinders or obstructs the person in possession of the iTaukei land or State land, or hinders or obstructs any police officer executing a writ or order of possession, commits an offence and is liable to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 10 years or both.

PART 3—MISCELLANEOUS

Regulations

6.—(1) The Minister may make regulations to prescribe matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for achieving the purposes of this Act.

(2) Without affecting the generality of subsection (1), the Minister may make regulations prescribing—

- (a) the issuance of prohibition orders; and
- (b) offences and penalties not exceeding—
 - (i) in the case of an individual, a fine of \$20,000 or imprisonment for a term of 10 years or both; or
 - (ii) in the case of a body corporate, a fine of \$100,000.

March 2022

DEVELOPMENT OF INFORMAL SETTLEMENTS BILL 2022

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 Development of Informal Settlements Bill 2022 (**‘Bill’**) seeks to assist the Government in the development of informal settlements in Fiji by enabling the Ministry of Housing and Community Development as the holder of approximately 40 development leases to compulsorily relocate informal tenants whose dwellings obstruct or are likely to obstruct the development or construction of essential infrastructure such as roads, power lines, water pipes and sewer lines.
- 1.2 If an informal tenant refuses to relocate within the period specified by the lessee in writing, the informal tenant commits an offence and is liable upon conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 10 years or both.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill defines terms and expressions used throughout the Bill.
- 2.3 Clause 3 of the Bill states that the provisions of the Bill bind the State.
- 2.4 Clause 4 of the Bill compulsorily mandates the relocation of informal tenants to an alternative housing arrangement if the lessee requires the tenant to relocate for the purpose of developing the land on which the tenant’s dwelling exists. Clause 4 of the Bill also enables the lessee or any other person authorised by the lessee to remove the informal tenant’s dwelling if the informal tenant refuses to relocate.

2.5 Clause 5 of the Bill provides that it is an offence for an informal tenant who does not relocate within the time period specified by the lessee in writing for relocation.

2.6 Clause 6 of the Bill empowers the Minister to make regulations to prescribe matters that are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Bill and generally for achieving the purposes of the Bill.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for housing and community development.

A. SAYED-KHAIYUM
Attorney-General