

BILL NO. 20 OF 2022

A BILL

FOR AN ACT TO PROVIDE FOR THE REFUND OF MONIES PAID FOR HOUSING UNITS CONSTRUCTED UNDER THE LAGILAGI HOUSING DEVELOPMENT PROJECT 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 Lagilagi Housing Development 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—

“due date” means the date appointed by the Permanent Secretary by notice in the Gazette as the final date for an application to be made in accordance with section 4;

“housing unit” means the unit estate in a building that was constructed under the Lagilagi Housing Development Project for residential purposes;

“Lagilagi Housing Development Project” means the project that was managed and overseen by PCN for the construction of affordable housing units;

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

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

“PCN” means the People’s Community Network – Central Division Branch which was incorporated on 19 July 2007 under the Charitable Trusts Act 1945; and

“Permanent Secretary” means the Permanent Secretary for housing and community development.

Act to bind the State

3. This Act binds the State.

PART 2—REFUNDS

Refund of money

4.—(1) If a person paid a sum of money to PCN for a housing unit and the person has not been provided the housing unit by PCN, the person may apply to the Permanent Secretary on or before the due date for refund of the money (**applicant**).

(2) The application must be made in such manner and form as prescribed by regulations.

(3) The applicant—

(a) must be a Fijian citizen;

(b) must provide information regarding payment of the money to PCN as required by regulations; and

(c) may submit any written agreement executed by the applicant and PCN.

(4) If an application is not made on or before the due date, the Permanent Secretary may extend the time for making the application provided the applicant satisfies the Permanent Secretary that there are reasonable grounds for the delay in making the application.

(5) For the avoidance of doubt, if a person does not comply with the requirements by regulations in relation to payment of the money to PCN, the person is not entitled to any claim of the refund or any housing unit.

Consideration of application

5.—(1) The Permanent Secretary must, as soon as practicable following the receipt of the application, consider the application.

(2) In considering the application, the Permanent Secretary may require the applicant or request any other person to provide such particulars and information as the Permanent Secretary deems necessary.

Payment of refund

6. If the Permanent Secretary is satisfied that the applicant paid money for a housing unit and the applicant has not been provided the housing unit by PCN and meets all the requirements of section 4, the Ministry must, with the approval of the Permanent Secretary, refund the money to the applicant.

PART 3—MISCELLANEOUS

Regulations

7.—(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 offences and penalties not exceeding a fine of \$20,000 or imprisonment for a term of 10 years or both.

March 2022

LAGILAGI HOUSING DEVELOPMENT 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 In 2014, the People’s Community Network Fiji – Central Division Branch (**‘PCN’**) entered into a grant agreement with the Fijian Government to undertake the Lagilagi Housing Project at Jittu Estate, Raiwaqa (**‘Lagilagi Project’**).
- 1.2 The main objective of the Lagilagi Project was to design and construct units for eligible low income earners with an opportunity for home ownership and conducive payment terms that are affordable.
- 1.3 For the purposes of the Lagilagi Project, PCN was granted a lease for a period of 99 years to build 152 homes together with a community hall and kindergarten.
- 1.4 PCN collected deposits in excess of \$2 million from more than 300 people, including people who did not live in Jittu Estate. A substantial number of these people gave up their hard earned savings in the hopes of obtaining a housing unit under the Lagilagi Project.
- 1.5 The money has disappeared. PCN has also just been deregistered as a charitable trust.
- 1.6 The Lagilagi Housing Development Bill 2022 (**‘Bill’**) seeks to provide a refund mechanism for all those who were promised a housing unit by PCN and did not receive any such unit.

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 states that if a person who is a Fijian citizen has paid a sum of money to PCN for a housing unit but has not been provided the housing unit by PCN, that person may apply to the Permanent Secretary on or before the due date appointed by the Minister by notice in the Gazette, for refund of the money (**applicant**). Clause 4 of the Bill also sets out the minimum requirements to be submitted by the applicant when applying for refund of his or her money. These include the following:
- (i) any information regarding payment of the money to PCN as required by regulations; and
 - (ii) any written agreement executed by the applicant and PCN.
- 2.5 Clause 5 of the Bill provides that the Permanent Secretary, following receipt of an application, must consider the application and may require the applicant or any other person to provide such particulars and information as the Permanent Secretary deems necessary.
- 2.6 Clause 6 of the Bill provides that if the Permanent Secretary is satisfied that the applicant did in fact pay money for a housing unit and also meets all the requirements of clause 4, the Ministry must, with the approval of the Permanent Secretary, refund the money to the applicant.
- 2.7 Clause 7 of the Bill empowers the Minister to make regulations to prescribe matters that are required or permitted by the Bill 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