

**ACT NO. 25 OF 2023**

I assent.

W. M. KATONIVERE  
President

[28 November 2023]

**AN ACT****TO AMEND THE ITAUKEI AFFAIRS ACT 1944**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the iTaukei Affairs (Amendment) Act 2023.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the iTaukei Affairs Act 1944 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended after the definition of “chief” by inserting the following new definitions—

““Council” means the Great Council of Chiefs constituted under section 3 of this Act;” and

““Permanent Secretary” means the Permanent Secretary responsible for iTaukei affairs;”.

*Section 3 inserted*

3. The Principal Act is amended after section 2 by inserting the following new section—

*“Great Council of Chiefs*

3.—(1) There must be in respect of the iTaukei people a council called the Great Council of Chiefs (*Bose Levu Vakaturaga*) which must consist of such persons appointed by the President on the advice of the Minister.

(2) It is the duty of the Council, in addition to any power or duty conferred on it, to submit to the President any recommendation or proposal as it may deem to be for the benefit of the iTaukei people, and to consider any question relating to the good governance and well-being of the iTaukei people as the President or the Board may submit to the Council, and to take decisions or make recommendations thereon.”.

*Section 4 amended*

4. Section 4(4) of the Principal Act is amended after “to the Board” by inserting “and may refer such questions to the Council”.

*Section 5 amended*

5. Section 5 of the Principal Act is amended after “of the” wherever it appears by inserting “Council and of the”.

*Section 11 amended*

6. Section 11 of the Principal Act is amended by—

(a) in subsection (1) before “Bill” wherever it appears, inserting “proposed”; and

(b) after subsection (1), inserting the following new subsections—

“(2) Where a proposed Bill is referred to the Board under subsection (1), the Board may inform the Minister that it advises that the proposed Bill be referred to the Council and the Minister must then refer it unless the urgency of the matter is such that in his or her opinion the proposed Bill cannot be delayed.

(3) If the proposed Bill is not referred to the Council, it must be considered by the Board which must prepare a memorandum containing its comments on the proposed Bill and submit the proposed Bill with the memorandum to the Permanent Secretary.

(4) If the proposed Bill is referred to the Council, the Council must without undue delay proceed to consider it and prepare a memorandum containing its comments on the proposed Bill and submit the proposed Bill and memorandum to the Permanent Secretary.

(5) If, in the opinion of the Minister, the public interest requires or there has been undue delay, the Minister may order that the proposed Bill which has been referred to the Council be withdrawn and referred to the Board, which must then prepare a memorandum containing its comments on the proposed Bill and submit the proposed Bill with the memorandum to the Permanent Secretary.

(6) When a proposed Bill has been submitted to the Permanent Secretary with a memorandum by the Council or the Board, the proposed Bill must be presented to Cabinet.

(7) Where a proposed Bill is approved by Cabinet under subsection (6), it must be presented to Parliament with the memorandum which members of Parliament can refer to or discuss during parliamentary debate as if it were part of the Bill.”.

*Consequential amendments*

7. The iTaukei Trust Fund Act 2004 is amended by—

- (a) in the long title after “ROTUMANS,”, inserting “TO PROVIDE FINANCIAL AUTONOMY TO THE GREAT COUNCIL OF CHIEFS,”;
- (b) in section 2 after the definition of “Board”, inserting the following new definition—

““Council” means the Great Council of Chiefs or *Bose Levu Vakaturaga* constituted under the iTaukei Affairs Act 1944;”;
- (c) in section 3 after subsection (1), inserting the following new subsection—

“(2) The Board must not transfer or assign to the Council or any person any part of the Fund other than in accordance with this Act.”;
- (d) in section 4—
  - (i) after the chapeau, inserting the following new paragraph—

“(a) to provide financial independence and autonomy in relation to the operations and administration of the Council;”;
  - (ii) in paragraph (e), deleting “Board” and substituting “Council on the recommendation of the Board”;
- (e) in section 5 after “institutions,” inserting “selected under guidelines determined by the Council,”;
- (f) in section 7—
  - (i) in subsection (3)—
    - (A) after the chapeau, inserting the following new paragraph—

“(a) 5 members must have the suitable qualifications and work experience in any of the following areas—

      - (i) investment management;

- (ii) engineering;
  - (iii) information and technology;
  - (iv) human capital; and
  - (v) tourism and hospitality.”; and
- (B) in paragraph (b), deleting “Fiji Institute of Accountants Act 1971” and substituting “Fiji Institute of Chartered Accountants Act 2021”; and
- (ii) in subsection (6), deleting “one” and substituting “2”;
- (g) in section 8, deleting “finance” and substituting “iTaukei affairs”;
- (h) in section 15, deleting “finance” and substituting “iTaukei affairs”; and
- (i) in section 17(2), deleting “Parliament” wherever it appears and substituting “Council”.

Passed by the Parliament of the Republic of Fiji this 23rd day of November 2023.