




CALL FOR FACE TO FACE OR WRITTEN SUBMISSION :

The Standing Committee on Justice, Law and Human Rights has commenced its review of the Burial and Cremation Amendment Act (Bill No. 30 of 2025), the Quarantine Amendment Act (Bill No. 31 of 2025) and the Forestry Bill 2025 (Bill No. 36 of 2025).



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

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1. Burial and Cremation Amendment Act (Bill No. 30 of 2025)

The Burial and Cremation Act 1911 (Act) was originally enacted to manage public health and land use related to burial practices during a time when Fiji had a smaller population and fewer urban centers.

2. Quarantine Amendment Act (Bill No. 31 of 2025)

The Quarantine Act 1964 (Act) establishes the legal framework for preventing the introduction and spread of infectious diseases in Fiji through ships, aircraft, people, and goods. The Ministry of Health is responsible for the operation of this Act.

3. Forestry Bill (Bill No. 36 of 2025)

The Forestry Bill 2025 (Bill) is a result of the review of the Forest Act 1992 (Act) which provides for the following:

- The management, development and sustainable use of Fiji's forest resources
- Enable the full implementation of the Fiji Forest Policy of 2007 (Policy), as well as the National Development Plan, 2025-2028 and Vision 2050
- Embraces the sustainable management of forests and utilisation of forest resources whilst ensuring the conservation of natural and cultural values for the present and future generations


However, the Act does not sufficiently cover or provide for measures which are based on sustainable forest management and does not refer to all aspects of sustainable forest management, and parts of it are inconsistent with recent developments in policy and administration of the forest sector.

DATE	VENUE	TIME
13 Thursday November 2025	• Sigatoka Town Council Chamber - Public Consultation	• 11:00am
14 Friday November 2025	• Nadi Town Council Chamber - Public Consultation	• 11:00am
20 Thursday November 2025	• RA Conference Room, Ravusavavu - Public Consultation	• 10:30am
21 Friday November 2025	• Labasa Town Council - Public Consultation	• 11:00am

For any queries, please contact Committee Secretariat e-mail address: jackson.cakacaka@parliament.gov.fj / jackson_cakacaka@yahoo.com and alunila.cabealawa@legislature.gov.fj and mobile: 9908 666/934 7670

For more information, a copy of the Bills can be found on the Fiji Parliament website, via the link:

Bills - Parliament of the Republic of Fiji



HON. RATUA RAKUITA VAKALALABURE
(CHAIRPERSON)

[VERBATIM REPORT]

STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

BILL

Burial and Cremation (Amendment) Bill 2025 [Bill No. 30/2025]

ENTITY: Fiji Corrections Service
VENUE: Big Committee Room (East Wing)
DATE: Monday, 10th November, 2025

VERBATIM REPORT OF THE MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT THE BIG COMMITTEE ROOM, PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON MONDAY, 10TH NOVEMBER, 2025, AT 10.44 A.M.

Present

- | | | | |
|-----|-------------------------------|---|----------|
| (1) | Hon. Ratu R.S.S. Vakalalabure | - | Chairman |
| (2) | Hon. Ratu J.B. Niudamu | - | Member |
| (3) | Hon. S. Nand | - | Member |
| (4) | Hon. J. Usamate | - | Member |
| (5) | Hon. F.S. Koya | - | Member |

Apology

- | | | | |
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| (1) | Hon. I. Tuiwailevu | - | Member |
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Submittee: **Fiji Corrections Service**

- | | | | |
|----|--------------------|---|---------------------|
| 1. | Mr. Auta Moceisuva | - | Deputy Commissioner |
| 2. | Mr. Samisoni Naba | - | Manager Legal |
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MR. CHAIRMAN.- Honourable Members, members of the public, the Secretariat, ladies and gentlemen who are tuning in virtually through the Parliament *Facebook* page and Parliament TV; a very good morning to you all and welcome to this morning's public submission.

At the outset, for information purposes, pursuant to Standing Order 111 of the Standing Orders of Parliament, all Committee meetings are to be open to the public. Therefore, please, note that this submission is open to the public and media, and is also being streamed live on Parliament's website and social media platforms.

For any sensitive information concerning the matter before us this morning that cannot be disclosed in public, this can be provided to the Committee either in private or in writing. However, please, be advised that pursuant to Standing Order 111, there are only a few specific circumstances that allow for non-disclosure, which includes national security matters, third-party confidential information, personnel or human resource matters and Committee deliberation.

This is a parliamentary meeting, and all information gathered is covered under the Parliamentary Powers and Privileges Act. However, please, bear in mind that we do not condone slander or libel of any sort, and any information brought before this Committee should be based on facts.

In terms of the protocol of this Committee meeting, please, minimise the usage of mobile phones and all mobile phones are to be on silent mode while the meeting is in progress. I also wish to remind honourable Members and our guests this morning that all questions to be asked are to be addressed through the Chair. To those who are tuning in, please, be informed that today, the Committee will be hearing a submission on the Burial and Cremation (Amendment) Bill 2025, Bill No. 30 of 2025, from the Fiji Corrections Service (FCS).

Very briefly, the Burial and Cremation (Amendment) Bill 2025 seeks to amend the Act of 1911 to reflect modern realities such as urbanisation, land scarcity of burial grounds, evolving of cultural practices and addressing operational challenges in the upkeep of registered burial grounds.

The Ministry of Health is responsible for overseeing burial and cremation practices and it outlines procedures for obtaining burial permits and conducting cremations. A particular amendment states that a deceased person must be buried only in a licensed burial ground. The Committee today has invited the FCS to provide submission on the Bill that is before us today.

I would like to take this time, before we proceed, to introduce the Members of the Committee.

[Introduction of Committee Members]

Honourable Members, please, join me in welcoming our guests this morning from the FCS.

[Introduction of Fiji Corrections Service Officials]

Thank you very much, Sirs, for coming in this morning and making your submission with respect to FCS. At this juncture, I wish to sincerely take this time to welcome our guests this morning and without further ado, I now give the floor to the Deputy Commissioner to make your presentation.

MR. A. MOCEISUVA.- Mr. Chairman and honourable Members, first of all, we would like to thank the Committee for inviting us to be here to deliberate on the Bill before us. We have been involved with the Bill during the drafting stage, and we have had a number of meetings with stakeholders when it was formulated.

However, you will note that we have also made a written submission to the Committee regarding the issue of burial grounds. However, let me take us back and give you a background on the cemeteries around Fiji.

Although there are other land designated for burial in Lawaqa, Sigatoka, however, that is not active as we speak. As of today, we have raised our concern to the Ministry of Justice and the honourable Minister because we find that land or areas allocated for burial are quickly diminishing because of the high number of deceased persons brought to us for burial. On average, we can receive 10 to 12 burials a day. These are mainly on active burial grounds - from Suva, Tavakubu and Nasinu Cemeteries.

Mr. Chairman, for the Suva Cemetery, the portion on the hill is also quickly diminishing and from there the whole area allocated for burial will be exhausted. For Vatuwaqa, we have closed burial unless there is a request for reopening after 14 years, then we allow. However, for Nasinum, a small portion that is near to the new crematorium is the area that we are working on right now.

The piece of land where Government has granted budgetary allocation for this year, which is around \$2.5 million, is where the excavation work will take place. On our projections, we have estimated that in the next 15 years, the area in Nasinu will be fully exhausted. We find this a dilemma and nothing has been quickly identified as solution for this because it is a public area of concern. We have had meetings with iTLTB, the Ministry of Lands, the Ministry of iTaukei Affairs and Ministry of Regional Development where we have highlighted our concern - if the land runs out, then what happens? This is what we face at this point in time.

Mr. Chairman, other than that, I think the iTLTB has indicated that landowners around the major town areas in Fiji are reluctant to give their land for burial purposes. You understand that this type of undertaking actually drives the cost of land in prime areas down. One good example is in

Balawa, which sits right on a prime residential area but because of the burial ground, it is not attractive to the public.

We have been advised by iTLTB that there is a piece of land available in Namosi but it is all under discussions at the moment. The unique thing about the burial is that the responsibility has always been under the FCS because we have labour at our disposal and because we are one of those countries that provide very cheap burial services compared to our neighbours - Australia and New Zealand, and because of that, the responsibility is always on FCS to provide this.

However, if we have to shift to Namosi, then we need to provide a prison that is in proximity to this location if burial services are to be provided to the public because Naboro is close but not as close and for practical reasons, the cost can be high because we need to transfer on daily basis and we are not sure even if the location is closer to the Queens Highway.

Mr. Chairman and honourable Members, that is by way of background, the dilemma that we find in as far as cremation services is concerned.

MR. CHAIRMAN.- Honourable Members, I open the floor now for questions with respect to the submission from the Deputy Commissioner and his Team. Are there any questions?

HON. F.S. KOYA.- Through you, Mr. Chairman, can you explain the actual cost entailed in each burial, the transportation and what other costs that are entailed when you are actually conducting a burial on a daily basis?

MR. A. MOCEISUVA.- Mr. Chairman, my apologies, I do not have the figures right now, but I can say that in a day, there are three burial grounds and in each of these burial grounds, two officers are assigned to look after six inmates in their locations. Transportation for Nasinu is not that far but Tavakubu is quite far. For Labasa, it is a walking distance so roughly, fuel costs would not go more than \$100 a day. For the staffing cost, we have two officers receiving \$15 each for meal allowance so that is \$60 times five which comes to \$300 a week to maintain.

In addition, the security of inmates, so we also beef up security by providing a K9 dog to oversee security when prisoners are working. That is another \$15, times four, which comes to \$60, so roughly \$500 a week of meal allowances and transportation costs for prisoners to be moved back and forth on a weekly basis. The cost is not reflected particularly, but we draw from our consolidated budget for allowances, and that is from where the costs are paid in terms of fuel and meal allowances for our staff.

HON. J. USAMATE.- Mr. Chairman, through you, \$500 a week for burials would be for how many graves?

MR. A. MOCEISUVA.- That is for the three graves, Nasinu....

HON. J. USAMATE.- No, how many graves that you would actually put into the ground? How many people would you bury for that \$500?

MR. A. MOCEISUVA.- Mr. Chairman, an average of 10 to 12.

HON. J. USAMATE.- So, \$500 a week per place, like \$500 for Nasinu?

MR. A. MOCEISUVA.- \$500 for the three main.

HON. J. USAMATE.- So, how many graves?

MR. A. MOCEISUVA.- It depends, for Lautoka, the burial is not as high as Nasinu.

HON. J. USAMATE.- Let us take the high end.

MR. A. MOCEISUVA.- Yes, it is 12.

HON. J. USAMATE.- Mr. Chairman, can I also ask, when you had the opportunity to liaise with the Ministry of Health, there had been changes in some of the charges. Was that brought about by you or by the Ministry of Health itself - the charges for interment, et cetera, or that was brought about by the Ministry of Health and what was your submission?

MR. A. MOCEISUVA.- Our proposal was, because of land scarcity, maybe a de-motivating factor would be to increase the fee. However, we were not definitive about the costing and there were other strategies that came up with the Ministry to allow, for example, people who are nearby, in areas like Tailevu, I think it goes as far as Cautata, to bring their deceased or relatives to be buried at Nasinu. One of the strategies was to encourage the Ministry of iTaukei Affairs because there are designated villages who use their big burial grounds to bury their loved ones. The other was to increase the fee, which can, perhaps, de-motivate people from bringing them to the public graves.

For the FCS, I think \$36 per grave for private is just the cost of the burial to happen. The subsequent cost after that is taken care by Government, which is why we are cleaning the area, and those costs are not taken into account. Thank you.

HON. J. USAMATE.- Your current charge is \$36 for private ones and for others?

MR. A. MOCEISUVA.- Sir, \$36 per plot.

HON. J. USAMATE.- If you reopen them, then the charge goes up?

MR. A. MOCEISUVA.- You pay additional cost. For reopening, that was also one of the strategies that we considered, but it is a bit too long, and it does not address the high number of deaths that is happening. That is why reopening is not a strategy that will be sustainable in the future. Looking at costing, I think that is a de-motivating factor, and it is a disadvantage to members of the public as of today.

HON. J. USAMATE.- I do not understand why you are saying it is de-motivating. Can you explain it?

MR. A. MOCEISUVA.- We made the proposal because it was in a discussion phase, where we considered how we are going to address the shortage of land areas, and one of those was to increase the fee for burial. It has not been confirmed as yet, Sir.

HON. S. NAND.- Mr. Chairman, through you, Deputy Commissioner, I was telling the Committee that there was no set fee proposed by FCS on the new amended fee structure.

MR. A. MOCEISUVA.- Mr. Chairman and honourable Member, there was no set fee proposal. It was discussed in a meeting I mentioned, comprising of stakeholders.

HON. S. NAND.- Deputy Commissioner, looking at the scarcity of land, you stated what will happen in the next 15 years at the 9 Miles Cemetery. What is your opinion on encouraging people to use the cremation facility rather than the burial facility, and what do you foresee in the next 15 to 20 years?

MR. A. MOCEISUVA.- Mr. Chairman, through you, honourable Member, yes, we were there when they built the new crematorium at Nasinu. Now, we have a second crematorium at Vatuwaqa. At that point in time, I think majority of the public, because the idea of cremation for Christians, for example, was not easily accepted, showed a lot of reluctance from the community because of religious belief.

The other community that was using the services was the Hindu community. We realised, based on figures, that Fijians are starting to use the crematorium services at Nasinu. Going forward, I think this is a sustainable way of maintaining cremation because we are running out of land. Perhaps, with a bit of awareness or creating awareness, it might enlighten the public.

Mr. Chairman, because of a shortage of land, this is an option. As I have said, it is an individual choice and we cannot promote something that the community will not accept, but it should come from themselves to use the options we have at the moment. Cremation or burial, that is my opinion. How I see things changing is that the figure for other ethnicities is not as high as compared to the Hindu community, who uses the Vatuwaqa Crematorium and now they are going to Nasinu as well. That is the situation right now.

HON. J. USAMATE.- You mentioned that in 15 years' time, there will be no more land in Nasinu. I understand Vatuwaqa is done, no more there. In Suva, how much longer will it take?

MR. A. MOCEISUVA.- Mr. Chairman, probably 10 years' time for Suva.

HON. J. USAMATE.- 10 years' time?

MR. A. MOCEISUVA.- Yes.

HON. J. USAMATE.- So, other than that, there is nothing in the Suva area?

MR. A. MOCEISUVA.- Nothing in the Suva area. As I had mentioned, the opinion that we got from the discussion, people and landowners are reluctant to give their land for burial grounds in the major towns and areas. Mr. Chairman, I think we are talking 150 years ago when development was not rapid as we see today.

MR. J. USAMATE.- Mr. Chairman, 9 Miles was in the bush.

MR. A. MOCEISUVA.- That is why we see that but with the change in dynamics of socio-economic development, things have changed now and we foresee that this will continue in the future.

HON. J. USAMATE.- Where in Namosi is this land that you are thinking of?

MR. A. MOCEISUVA.- Mr. Chairman, it is not definite. The person mentioned that during the construction, they have factored that into the development plan because they see that there will be a problem if we finish all the land available for burial. They were already starting to work on possible areas for burial grounds.

HON. J. USAMATE.- So, your key concern right now is having enough place to bury.

MR. A. MOCEISUVA.- Yes, Sir.

HON. J. USAMATE.- That will be your concern.

MR. A. MOCEISUVA.- That is our key concern right now.

MR. CHAIRMAN.- Just a question from me, Deputy Commissioner. probably you can highlight this to us, do you have some who commit offences in burial places, like some drinking and vandalism?

MR. A. MOCEISUVA.- Mr. Chairman, thank you very much for raising that issue. Yes, we have seen a lot of problems, especially at the Nasinu Cemetery. There is a settlement on the Wainibuku stretch and it is very far for them to follow the road. So, what they do, they go through this cemetery up to the end where we are developing right now. I am not saying that they are the ones but because it is an open place, people go there for drinking, and they vandalise the toilet facilities. Some of them break barbed wire for access and they also damage some of the cemeteries. They remove *masi* and artifacts that family members put on the grave.

Mr. Chairman, if you may recall some years ago, flowers were taken away from the graveyard. Those are the issues that come up. We tried to fence the area and to patrol them at night and because the area is open, people access, they go and use the facilities inside to drink and vandalise.

MR. CHAIRMAN.- If I can refer you to the screen, Deputy Commissioner, to the Burial and Cremation Act 1911, the original Act. It says that if someone commits an offence, he/she is only liable for \$50. Now, the amendment that is before the Committee and that we are talking about today seeks to raise this from \$50 to \$1,000. What are your thoughts on that, is that sufficient?

MR. A. MOCEISUVA.- I think it is a good idea to raise that because that would be a deterrence to the members of public, \$50 is very small, so raising it to \$1,000 is a practical solution to the issue of vandalism.

MR. CHAIRMAN.- We had a Judge and he made a submission here, Deputy Commissioner, and he was speaking on the lines that rather than doing fine, why not get them to come and do community work - community service, because no one will pay that \$1,000. That is what he said. He said that no one has \$1,000 to pay that.

He was just hinting to us that if you want to be more realistic, no one can pay that, even though you caught someone there drinking or committing an offence. He was speaking along the lines that instead of paying the \$1,000, for them to come and do community work on what they have damaged. What are your thoughts about that? Will that be good, or is it good to go with a fine of \$1,000?

We are mixing this up, we are trying to do the best way possible. The good thing is that the fine has been increased since 1911. Now, they are coming up with \$1,000. If you think it is still too small, you can make a submission to increase it, but then the real word there would be 'realistic'. That was their submission because if someone vandalises and you fine them \$1,000, they would not be able to pay.

HON. J. USAMATE.- We are already congested.

MR. A. MOCEISUVA.- Very much, Sir, we are over-strengthened everyday. Thank you very much for raising that issue. I think the law is already there. There is a Community Work Act 1996, and it provides alternative options for sentencing. It is good that it is coming because it is the judges who make these sentences.

As a practical solution, I agree, if they are not able to pay \$1,000 fine, because most of the offenders are unemployed. They are in there with others in their drinking parties and they get caught in the system because they are there, when they are reported and if they are not able to pay, then I think the court can give alternative sentences for them to come and work in the prison. The supervision would be good, because we go to the graves everyday.

The officers who are there can see them and if they are not consistent with the attendance, then they can bring them back. Of course, they will go back to prison if they are not consistent, if they run away to places, but I think it is a good practical solution, if they are not able to pay.

MR. CHAIRMAN.- This is what the Amendment looks like. I am sure you are aware of Clause 6 of the Bill, whereby section 8 of the principal Act is amended by deleting \$50 and substituting it with \$1,000 in the Act. That is what we are discussing now with the Deputy Commissioner so, probably, if you agree with us to add in here, "at the discretion of the judge, to use the Community Work Service Act", or something like that because it is more practical in terms of who will be doing the oversight, probably the FCS.

MR. A. MOCEISUVA.- The Community Work Act is under the Ministry of Women, Children and Social Protection because that is why you have the probation officers who are looking after people who do community work. But I think if...

HON. J. USAMATE.- Mr. Chairman, I think that one is for child justice.

MR. CHAIRMAN.- That one is the old Act.

MR. A. MOCEISUVA.- We can strengthen coordination, have an understanding on the supervision part because as you know, Sir, the Parole Board is going to be established. So, as part of the supervision, the FCS will be responsible for that as we start. As we evolve over time, that supervision can be extended to people who are put to community work. I think it is a coordinated effort between the different agencies that will make this work.

HON. F.S. KOYA.- Mr. Chairman, Deputy Commissioner, in light of what you have said, to make it easy and to help you, because custody care and control of those particular burial sites is yours. They make your work harder when they destroy the actual surroundings, so my point is, to make it easy, section 5 says substituting by \$1,000. Do you think or would you agree that the provision that goes in there regarding community service is specific to prison burial grounds? If anyone breaches that, then the judge will have no choice but to specifically say, “you are now going to be doing community service by digging 50 graves”, being very simple about it, or “making sure that the graveyard is clean with a bright orange uniform”. Is it preferable to you?

I believe that by leaving it open to community service, we are leaving it open to, as you have said, it will go to another Ministry, but you could put a particular provision in with some specificity, basically saying that community service is this, and it has to be to do with the graves.

MR. A. MOCEISUVA.-Yes, Sir, I think if they are prisoners, then they are from our community and they do community work. I think you are coming along that line. However, these prisoners will be out in the community, and they report in everyday.

HON. F.S. KOYA.- My point is that if someone gets convicted, previously, the fine was low, so the fine they are saying is like \$50 going up to \$1,000. But what we want to do is to add in there a specific provision that says not just \$1,000 and if he is too old or whatever, he was just partying with young people, maybe he cannot cut grass, that is fair enough but he or she, I should say, the punishment should be specific to say that that particular person has been given a community service order, and that community service order will be under the under supervision of FCS. They can come and go it everyday, but you are in charge of them. So, if you are going to cut grass for the whole day, that is his community service of eight hours.

MR. A. MOCEISUVA.- Yes, I agree with you, Sir. That is workable if it is under our responsibility of supervision.

MR. CHAIRMAN.- The current Act, the whole community is not under your responsibility?

MR. A. MOCEISUVA.- No, it is not under our responsibility.

MR. CHAIRMAN.- You cannot do much there?

MR. A. MOCEISUVA.- Sir, we cannot do much.

HON. F.S. KOYA.- You may not get anyone.

MR. A. MOCEISUVA.- You might know that in the past, we used to have extramural punishment where we put them in the police station to the doctors, especially in the isolated areas, so they provide the supervision for community release. There are two ways to community release – one is directly from the court to the community and the other is from us, like the extramural punishment.

We call it short-term release - they go out and they stay in the community in their conditions, mostly in outer rural areas. We put them under the supervision of a *Talatala* or *Turaga Ni Koro* to do some work in the community, and also for them to provide counselling so they stay in the right to behave. For people who are in town, we release them to the employers. Employers will come and release. They call it the front-end diversion. It is directly from the court to the community. Here, it is a bit shady, the supervision can become a problem because we are not involved in that. That is under the community work with the Ministry.

HON. J. USAMATE.- Mr. Chairman, through you, are there also burial grounds that are not under your control?

MR. A. MOCEISUVA.- Yes, Sir.

HON. J. USAMATE.- Where people might vandalise.

MR. A. MOCEISUVA.- Yes.

HON. J. USAMATE.- Do you think it is feasible? I think the ideal way to get community work, I mean, if you stole cassava, your job should be to replant the cassava where you stole. Where you did it, go and do the work there. So, if people vandalise private burial grounds, do you think it is still possible for FCS to supervise them when they do community work on the burial ground?

MR. A. MOCEISUVA.- I think we need to fine-tune the law.

HON. J. USAMATE.- We are the lawmakers.

MR. A. MOCEISUVA.- You can consider that as a practical area to solve the problem that you are highlighting. I think that is going to work also.

HON. F.S. KOYA.- It kind of makes sense. Regardless of whether they vandalise a private cemetery or a public cemetery, at the end of the day, once you have committed an offence, I think the tactic will also change a lot with the topics of the cemeteries also. Anyway, you vandalise a cemetery, this is the punishment that is available to you, and then you should go straight to it. So, wherever you have committed a crime, you are going to do the punishment at the same place.

Under your supervision, you can say, if it is relative to a prison thing, then he or she joins the prisoners to go in and make sure they clean up the entire, whatever it is that they are doing. That is the thing. I kind of agree with you in terms of the law. It just needs to change, but this is where your suggestion will be very helpful to us, that we will accommodate more people if they do community service. What cost is the cost actually, you have to treat them, et cetera.

MR. A. MOCEISUVA.- It is a win-win situation, Sir, as highlighted by honourable Usamate because prisons are already overcrowded. It is about 300 percent more than the usual capacity. If you have to do something, the solution of community work will help us in managing the number of prisoners that we have. I think that is more practical. You see them out in the community, they are not stigmatised because they have not been recorded in our registry and for them, it will be easy to assimilate back to the community because they are serving in the community.

I think there will be a bit of supervision strengthening on our part because community and the prisoners are not supposed to be mingling or interacting but we can allocate work where they should be and they should not be with those who are prisoners looked after by our staff.

HON. J. USAMATE.- Because I think the idea of restorative justice, I mean, they did something wrong, just to restore them, but do not get them involved with the prisoners because they might end up in a lot of other bad stuff.

MR. A. MOCEISUVA.- Yes.

HON. J. USAMATE.- I think that idea is very good.

HON. F.S. KOYA.- Deputy Commissioner, let me just understand one thing, so your classification of someone who has been convicted of vandalising and being sentenced to a community service order, he is a different sort of prisoner to the prisoner who is actually incarcerated within your prison?

MR. A. MOCEISUVA.- Correct, Sir, they are different because they have not been through our system. We have not recorded their particulars, and they are outside. As I have said, the Community Work Act 1994 is with the Ministry of Women, Children and Social Protection and I am not sure how they operate. We know that there are some probationers whom they look after but for us, as I have said, you have to go in there, you get registered, there are options for release, then they have to sign the paperwork, and we have an understanding with the supervisors.

We also have a follow-up with the Institutional Rehabilitation Officers, who come out time and time again to come and check whether they are working, or they have been missing because they had specified the address where they should be to complete their sentence, then they can move to other areas. That is why we have a follow-up mechanism in place. I think those mechanics can be extended and included in the Community Work Act 1994, if it is amended, for us to look after community work.

HON. F.S. KOYA.- The current standard is probably aligned with traffic offence, it is not registered?

MR. A. MOCEISUVA.- Yes.

HON. RATU J.B. NIUDAMU.- Mr. Chairman, through you, first of all, Deputy Commissioner, on behalf of the Committee, I would like to express our heartfelt gratitude to the Corrections Officers and the inmates for the job that has been carried out in our public cemeteries around Fiji. *Vinaka vakalevu.*

My first question is in relation to the misuse of burial lots, particularly on illicit drugs activities where those lots are being used for contraband items. What is FCS doing in trying to resolve that issue?

Secondly, Deputy Commissioner, I think this is an ongoing problem too in our villages, even though it is not covered under the Burial and Cremation Act 1911, the shortage of space. I have noted that FCS, during burial, have limited the number of mats used. I believe that is something that our villagers need to know. Some of them might not understand due to our affection and love to the person who had passed away, so can you elaborate on that?

MR. A. MOCEISUVA.- Mr. Chairman, on the drug issue, you mean coming to prison?

HON. RATU J.B. NIUDAMU.- I mean, being misused when you come through those issues where those lots are being used to hide contrabands when prisoners come.

MR. A. MOCEISUVA.- Thank you, Sir. Mr. Chairman, through you, yes, we have had cases where public come and hide drugs in the cemeteries under the disguise of coming to clean their loved ones' grave. We constantly check and monitor to see that people are there on the ground because we can tell who is genuinely coming to really do a clean-up and who is coming for some other reason.

We also carry out spot checks during the night. Our officers, go and check the graves, to ensure that nothing illegal is put in there. In the morning too, we bring in a dog and they make a quick sweep around the burial grounds.

MR. CHAIRMAN.- That is on burial day?

MR. A. MOCEISUVA.- Everyday, Sir, we do a quick sweep and also in the afternoon when they finish off from the burial site. That is how we try to keep the area out from illegal activities by members of the public.

MR. CHAIRMAN.- The second question, Deputy Commissioner, I have noticed that during a burial in our public cemeteries, we have limited the number of mats being used, especially in iTaukei burials. Can you just elaborate on that?

MR. A. MOCEISUVA.- Yes, Sir. Mr. Chairman, through you, in the past, especially in our iTaukei community, they bring a lot of mats to the grave. Sometimes, it is problematic for our boys to cut the space a bit bigger to allow the thick mat wrapped around the casket. Now, we are not allowing that.

We have stopped that practice and I think it is beneficial to them as well because these mats have value, so it is better that they keep the mats and use them for other purposes. Although people are emotional when someone passes on because they are loved ones but on the other side, we believe that by not allowing this, it is going to benefit the community, especially the iTaukei. It is very expensive to organise a burial for someone who has passed away in the family. I think keeping that practice in place will cut out some of the expenses.

However, for it to be extended to outside of the public graves, I think that is the choice of the individuals in the community. In the Act, it defines the size of the land that we should dig, but in the village, it is not specified. It is up to them on how big they want to dig the graves. I think it is for the community to also see what is happening around us because based on what we have seen and from discussions with the community, they are happy. Majority of the people are happy that we have cut out the practice of bringing in mats to wrap the casket when there is a burial for their family.

HON. F.S. KOYA.- Deputy Commissioner, just something to do with the administration, in terms of record, for those burial grounds that are in your custody and control, all the records are kept by you as to what is where and whom and has it already been digitised or not? If someone has forgotten where their great-grandfather was and try to find it, are you able to trace that back through your records?

MR. A. MOCEISUVA.- Yes, I am not saying that all the records are perfect but sometimes, we have to go back and dig deeper to find records.

Mr. Chairman and honourable Members, records on cemeteries are kept manually, and they go back probably to late 1800s. However, majority of the records were burnt during the 1979-1980 riot in Korovou, so whatever records we were able to save, we are using that, plus what we have at the moment. As we speak, for most of the records, we can trace back to your families or families of those who want our record.

On the idea about digitisation, I am glad, Sir, that you have raised that because this issue has been there for a very long time, I think, from the 1980s, when people were trying to digitise our records. I think it came close to around 1996 for it to be digitised. We had some volunteers from JICA in Japan to come and put the records for them with the idea of digitisation. However, over time, the talks died out, and we are still in that situation as we speak right now. Going forward, I think it would be a good idea to digitise the records to be safe from natural disasters or from people who are managing the records in the office at Korovou.

MR. CHAIRMAN.- Honourable Members, I am mindful of the time. We have Fiji Ports Authority at 11.30 a.m. Yes, one last question for honourable Koya and that will be the end of our discussion this morning.

HON. F.S. KOYA.- About the records, is it centralised here for the whole of Fiji that you look after, or the records kept in each Division?

MR. A. MOCEISUVA.- It is a mix of both. We have our Central record here and Nasinu, Lautoka and Labasa have their own records. They submit their returns to the main office, and the main office comes to us on a monthly basis.

HON. F.S. KOYA.- So, you do have a backup?

MR. A. MOCEISUVA.- Yes, Sir, a manual backup.

MR. CHAIRMAN.- Honourable Members, I must apologise, we have another submittee coming in - Fiji Ports Authority, but, please, join me in thanking the Deputy Commissioner and Manager Legal from FCS who are here this morning for their submission. We thank them very much, and we wish them well in their services to Fiji. Thank you very much, Sir, you are excused.

MR. A. MOCEISUVA.- *Vinaka vakalevu.*

MR. CHAIRMAN.- Honourable Members, we will adjourn our meeting with our first submittee, thank you.

The Committee adjourned at 11.31 a.m.

[VERBATIM REPORT]

STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

BILL

Burial and Cremation (Amendment) Bill 2025 [Bill No. 30/2025]

ENTITY: Ministry of iTaukei Affairs and Culture, Heritage and Arts
VENUE: Big Committee Room (East Wing)
DATE: Tuesday, 28th October, 2025

VERBATIM REPORT OF THE MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS HELD AT THE BIG COMMITTEE ROOM, PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON TUESDAY, 28th OCTOBER, 2025, AT 11.45 A.M

Present

- (1) Hon. Ratu R.S.S. Vakalalabure - Chairman
- (2) Hon. I. Tuiwailevu - Member
- (3) Hon. S. Nand - Member
- (4) Hon. J. Usamate - Member
- (5) Hon. F.S. Koya - Member

Apology

- (1) Hon. Ratu J.B. Niudamu - Member

Submittee: Ministry of iTaukei Affairs and Culture, Heritage and Arts

- (1) Mr. Josefa Toganivalu - Deputy Chief Executive Officer
- (2) Mr. Ame Baleitamavua - Manager Urban
- (3) Mr. Isimeli Boa - Executive Officer Urban

Honourable Members, members of the public, the Secretariat, ladies and gentlemen, who are tuning in this morning; a very good morning to you all.

At the outset, for information purposes, pursuant to Standing Order 111 of the Standing Orders of Parliament, which states that all Committee meetings are to be open to the public, therefore, please note that this submission is open to the public and media and is also being streamed live on Parliament's website and social media platforms. For any sensitive information concerning the matter before us this morning that cannot be disclosed in public this can be provided to the Committee either in private or in writing.

However, please, be advised that pursue to Standing Order 111, there are only a few specific circumstances that allow for non-disclosure which includes:

- (1) national security matters;
- (2) third party confidential information;
- (3) personnel or human resource matters; and
- (4) Committee deliberations.

This is a Parliamentary meeting, and all information gathered is covered under the Parliamentary Powers and Privileges Act. However, please, bear in mind that we do not condone slander or libel of any sort, and any information brought before this Committee should be based on facts.

In terms of the protocol of this Committee meeting, please, minimise the usage of mobile phones and all mobile phones to be on silent mode while the meeting is in progress. I also wish to remind the honourable Members and our guests this morning that all questions are to be asked and addressed through the Chair.

To the public tuning in today, the Committee will be hearing a submission on the Burial and Cremation (Amendment) Bill 2025, Bill No. 30 of 2025, from the Ministry of iTaukei Affairs.

Very briefly, the Burial and Cremation (Amendment) Bill 2025 seeks to amend the Act of 1911 to reflect modern realities such as urbanisation, land scarcity of burial grounds, evolving of cultural practices and addressing operational challenges in the upkeep of registered burial grounds.

The Ministry of Health is responsible for overseeing burial and cremation practices and it outlines procedures, obtaining burial permits and conducting cremations. The particular amendment states that a deceased person who must be buried only in a licensed burial ground. Anyone who buries a relative in an unlicensed burial ground without approval by the Minister is liable to a fine not exceeding \$5,000. This is an increase from \$200.

Registered burial grounds are as follows, for those who are tuning in:

- (1) Kalabu and Nasinu;
- (2) Narikoso;
- (3) Nasavusavu;
- (4) Raiwaqa;
- (5) Raralevu and Tabale;
- (6) Sigatoka;
- (7) Suva Military Cemetery;
- (8) Suva;
- (9) Nasinu;
- (10) Vatuwaqa;
- (11) Levuka;
- (12) Vaturekuka;
- (13) Varavu; and
- (14) Vuninokonoko

However, section 17 of 1911 Act states that this condition does not apply to iTaukei burial grounds or villages that are registered under the Ministry of iTaukei Affairs. Therefore, the Committee has invited the Ministry of iTaukei Affairs to provide a submission on how the Ministry administers burial grounds in village settings and, probably, have them provide their suggestion for amendments in the Bill that is before us today.

Honourable Members, I would now like to take this time to introduce our submittees from the Ministry of iTaukei Affairs Board.

(Introduction of iTaukei Affairs Board Officials)

To our submittees, may I introduce the Members of the Standing Committee of Justice, Law and Human Rights.

(Introduction of Committee Members)

Honourable Members, I will now give the floor to our submittees and probably to the Deputy CEO and his team, to make their presentation with respect to the amendments of the Bill.

MR. J. TOGANIVALU.- Mr. Chairman and honourable Members of the Standing Committee, first of all, we thank the Committee for the invitation to today's submission and we are thankful to be here. This is a topic that needs some adjustments and some review in the iTaukei Affairs institution. We are thankful that we are invited to make this submission. I have provided a

submission in the form of a paper to show how we are dealing with the burial in the itaukei villages. Mr. Chairman, would you like me to go over the paper?

MR. CHAIRMAN.- The Committee has already received your paper. If you want to, just briefly, and then the Members might have some questions. You might probably focus on your submission to the Committee on some recommendations or suggestions for the Committee.

MR. J. TOGANIVALU.- Mr. Chairman, as I have reiterated in the paper, the current legislation surrounding the iTaukei burial grounds, the current practice and challenges faced during the burial, as well as some of our recommendations and way forward which are in the paper.

Currently, we have three types of burial ground in the iTaukei context, as follows:

- (1) chiefly burial ground or *sautabu*;
- (2) village burial ground or *bulubulu ni koro*; and
- (3) village residential compound burials or *veibulu ena yasa ni vale*.

Ogo saka na i tuvatuva ni veibulu o koya vakamosi qavokavoka tiko 'go e na loma ni Tabacakacaka ni iTaukei. Out of the three types of burial, as I have said, the village residential compound burials are usually the cause of debates and disputes and is usually discouraged by the Ministry of iTaukei affairs due to health and sanitation risks and also, now that we have registered village boundaries in our iTaukei villages.

In the current legislation, Sir, in the Provincial Council Regulations...

HON. J. USAMATE.- Can I ask a question; so, currently under your regulations in the village boundary, is it allowed to have a burial within the village boundaries or does it not allow it?

MR. J. TOGANIVALU.- Mr. Chairman, through you, the law is silent on this. As I have said in 3.0, the current situation that we have, that is only the mention of the burial that we have in the whole iTaukei Affairs Act. We only have it in the Provincial Council Regulations, highlighted in yellow, that the council has the power to confirm the cemeteries.

The submission comes from the Tikina Council Regulations. They recommend the establishment, it is confirmed in the Provincial Council, and it goes back to the Tikina Council to maintain the cemeteries. That is currently there in our Act. It does not say that we keep a register, the nitty-gritty and also the standard operating procedures - there is none, as well as there are no copies of village burial grounds with us at the moment.

Mr. Chairman, right now, we only rely on the negotiations and also the directions of the Roko Tui and provincial councils, as well as health inspectors, to assist us in handling a case. We have been to a number of cases, especially the *veibulu ena loma ni koro*. I have just heard from our honourable Assistant Minister that there was another case yesterday, but luckily no issue came up.

For us at the Ministry of iTaukei Affairs, once we encounter that, we say, "No, that it is not allowed" but here in the law, we rely on health and sanitation advice from the health inspectors that it is unhygienic to bury a person, especially during wet weather, inside the village residential compound. Sir, that is all that is there.

What we have requested, as our way forward, if for the Committee can see that we set up a legislative framework for this and also we will do our standard operating procedure, and an audit of

the current *iTaukei* cemeteries to be conducted by the Provincial Council Office, and also we will determine the land for registration and designated as burial sites, as we have done for our villages. This is something that can be our way forward in carrying out this task, and also the registration of cemeteries. *Vinaka vakalevu*.

MR. CHAIRMAN.- Thank you very much, Deputy CEO. Honourable Members, I now open the floor for questions and clarifications with respect to the submission from the Ministry of iTaukei Affairs.

HON. J. USAMATE.- First of all, I would like to thank the Deputy CEO for their presentation. There is, obviously, a lot of challenges that you are pointing out. The way that the legislation is currently drafted, it is meant not to include iTaukei cemeteries. However, I am interested in what it says here in your current legislation, which states, “The Provincial Council regulations have the power to make the bylaws.” Those Provincial Council regulations come under the purview of your Minister, is that correct?

MR. J. TOGANIVALU.- Correct, Sir.

HON. J. USAMATE.- The Minister cannot, on his own, decide to make those regulations, or does he have to wait for the Provincial Council to come up with the recommendations?

MR. J. TOGANIVALU.- The Provincial Council is empowered to make these bylaws. Upon review of our current files, we saw that we do not have most of these regulations. There are health bylaws for each province, however, there is no mention of the burial grounds or the cemeteries in there, Sir.

HON. J. USAMATE.- As I am listening to your presentation, the first thing is that the Bill that we are looking at basically says, “do not include the iTaukei.” So, if there is already a provision within the iTaukei legislation where the Provincial Council legislations can address these sorts of issues, in my mind I am wondering, why is it that that is not being done by the Minister or by the Ministry itself?

MR. J. TOGANIVALU.- Yes, Sir, I believe that it has been an elephant in the room for a long time, and it was not a test, but we see that it was there. Once the request for our submission came up, then we started to look at this very deeply and we believe that that is one way that we can do this.

Another way is the current revision of our iTaukei Affairs Act, that we are currently doing at the moment where we could include all these. I also note your recommendation and comments, honourable Member, that we have the power to make bylaws in the Provincial Councils and then take it to the Minister for approval and also use it in our Tikina Councils and also our villages.

HON. J. USAMATE.- The Provincial Council Regulations, they are instigated by Provincial Councils, not by the Minister. Is that the way it is set up?

MR. J. TOGANIVALU.- Affirmative, honourable Member.

HON. J. USAMATE.- The Tikina Council is also mandated to recommend the establishment of the cemeteries? The system is that the Tikina Council identifies it, gets approval from Provincial Council, but that whole system is not being followed at the moment, is that correct?

MR. J. TOGANIVALU.- Correct, Sir. I believe that was done years ago and also, we did not keep a register to track what has happened then and what has happened now. We might have to go back. As I have said, our way forward to go about it is to try and re-register all the cemeteries and also the boundaries that we have.

HON. J. USAMATE.- I noticed the current challenges that you have mentioned - inconsistent record keeping of burials of customary land, no data on *Sau Tabu* or village burial grounds, all of those things. I think for our own interest, as iTaukei, it is important that these things are documented. Do you have any plans to do that? How is it that these things will be addressed? At the end of the day, it is about the health and sanitation of the iTaukei, as well as the sanctity of the village boundaries.

I think the idea of what you mean by the village boundaries is important. Does that include only the living and the dead, or just the living? So, that particular bit here, the inconsistent record keeping and the coordination between Tikina Councils and the municipal authorities, are they supposed to be completely apart or is there some way that they had worked together in tandem? What are your thoughts on that?

MR. J. TOGANIVALU.- Sir, after this session, our intention is to make a paper and get it through the Board for their direction. We believe that it is a topic that has been neglected for so long and it is something that we have to look into as we review the current Act. We should also review ours at the Ministry of iTaukei Affairs to see the gaps and also see where we can improve the current systems and also the legislation that we have in place.

MR. CHAIRMAN.- I have a question, Deputy CEO. After your submission, if the Committee feels that we should include the iTaukei bit into the amendment, would that suffice for the Ministry of iTaukei Affairs?

MR. J. TOGANIVALU.- Yes, we believe that we should have something in the legislation that directs us because now, we do not have a fall back mechanism when it comes to disputes and also debates on the burial grounds, especially the burials inside the villages. This is an area that we attend to every now and then.

The disputes come from the Turaga ni Koro and also the village council. They said, “One has already buried here.” We asked them, “Who approved that?” They said, “Why not just another one beside it? The wife is already there, why not the husband beside the wife?” Then all these iTaukei customs and rituals kick in. We believe that if there is a legislative framework whether it is through this review or with us on the improvement of our legislation at the Ministry of iTaukei Affairs, we believe that would best for the officers on the ground.

HON. J. USAMATE.- If you look at the wordings of the current Bill and the concerns that we are getting about the disposal of parts, et cetera, it is very well articulated, and I agree with you. If we do not address this well, the health and sanitation of people living in the villages could be at risk.

The other thing that I am thinking about, normally when you are in urban area, you have good land management planning, what goes where, so that you can maximise the land resources that you have. I think the villages around Suva, for instance, are severely under pressure for land. There is, obviously, a need to have those zoning where you build houses and you can do this for commerce, et cetera. We also need zoning, especially for villages in urban areas. Land has become a very scarce resource.

MR. CHAIRMAN.- One thing in particular that I am very interested in is that the mandate is not with the Minister, but it has to come from the Tikina Council, go up for approval to the Provincial Council and that is a very big curtain there. From your experience, Sir, has this ever been done somewhere in any of the Provinces in Fiji? Have they followed this process - come from the *Tikina* and approved by the Province?

MR. J. TOGANIVALU. Mr. Chairman, the only discussions, I believe, that we have on the cemeteries in the Tikina Council are on the maintenance of these village cemeteries. They talked about the *cara* - the cleanliness of the cemeteries and also the arrangement of the cleaning of the cemeteries and also the *Sau Tabu* during the *Tikina* meetings.

However, as I have said, this process might have been done 50 years to 100 years ago during the start of this Act or regulations or the Act that was there before. In most of the cemeteries, we ask them; "Where is the village cemetery? *Evei na i bulubulu ni koro?* They will say, "*E tiko mai yasana oya.*" "*Nomudou Sau Tabu?*" "*E tiko 'qo.*" So, that states that there has been, sort of, allotment of land that has already been done. The problem is that there was no register or records to say this was done in so and so years and they have allotted this and this is the boundary for the cemetery and this is the boundary for the *Sau Tabu*. That is something that we lack now.

Mr. Chairman, right now, the discussions that we have in the Tikina Council and also the Provincial Council is only on the cleanliness of the cemeteries and other new initiatives coming in or new directions from Government.

MR. CHAIRMAN.- In fact, honourable Usamate, I am not sure because these burial grounds are also termed as a village in the context of *iTaukei*. *E dua talega na koro oya?* They are supposed to have boundaries, in the context of us - *iTaukei*. It is very interesting how the law for *iTaukei*, and the provincial council is very weak in covering that part.

What we have here is a good suggestion for them to review what they have because, in my opinion, for such things, what Justice Lakshman was saying – the thing that affects the many, put it into legislation, because the same agenda that we have here applies to all the other ethnicities. However, we have separate for us *iTaukei* and separate for the other ethnicities, but it is one common ground. That is something to look into it.

The submission that the Ministry of the *iTaukei* Affairs has given is very good. The legal framework and, in a nutshell, they are powerless. They cannot do anything if someone wants to bury a corpse in front of their house.

MR. J. USAMATE.- I told you, Mr. Chairman, when I visited Vabea Village in Ono, Kadavu, when I was the Minister for Health, I was billeted in one house. I think the son died who was a British Army soldier and it is right in the living room. *Na i bulubulu e tiko sara ga e lomanivale.* It was very interesting for me.

I think about it too in terms of, obviously, there is a sentimental value of having, sort of, a memorial to the son in the house but then, you think about it, these are islands, I mean, affluent and things seep into other places. How does that affect their health? I do not know. So, there is, obviously, a need to look at it.

I think too, at the same time, if you are going to make a set of laws that govern health and sanitation in cemeteries that affect the rest of Fijians, then we should also think about the *iTaukei* too. Well, the law is designed that it is separate, so how do we cross that divide? I think in my mind

that we cannot make it to be part of this Bill, but we can make recommendations for it to be considered by Parliament as amendments to that particular Bill or how that can be strengthened. I do not know.

MR. CHAIRMAN.- I think so because when they made this law and other laws way, way back then, that idea of separation of iTaukei and others were still very active. However, it is entirely fair to say that everyone will die but it is how it managed, it has to be across the board. This is very interesting.

The submission is very straightforward from the Ministry of iTaukei Affairs and a very good submission. In terms of this, we see that even the Minister is powerless because it goes to Tikina Council and then Provincial Council.

HON. J. USAMATE.- Mr. Chairman, I think in the interest of iTaukei, the Minister must somehow be given that power, in working together to protect the iTaukei who live in villages.

When I look at your recommendation, with standing operating procedure, absolutely, we should. A legislative framework, an audit of the current iTaukei cemeteries to be conducted by the Provincial Council Office, I think those are all good things that need to be done. I am not too sure that we can make a recommendation to include this into this Act, or we can...?

MR. CHAIRMAN.- We can.

HON. J. USAMATE.- ...for consideration, or what do you think? What are your thoughts from the Ministry?

MR. J. TOGANIVALU.- As Mr. Chairman has alluded to, this was done way back then. Right now, wherever we put this law, we believe that there should be a proper guide for the officers on the ground. Right now, the cases are solved through mutual discussions and also goodwill.

HON. J. USAMATE.- *Veitalanoa*? [Discussion]

MR. J. TOGANIVALU.- *Io, sa lako ga na veitalanoa me rawa kina ni wali na veileqa 'qo ni sa dau basika mai.* [Yes, it is just through dialogue and discussions whereby these problems can be resolved]

For me, when I encounter a case, the first officer that I look for is the health inspector. I try to get and get the health inspector and also to advise them on the health implications.

MR. CHAIRMAN.- Who is the burial attendant for iTaukei land?

HON. J. USAMATE.- All the provisions in the Bill do not, so there is no such thing as a burial officer here. It is just what is defined by this. However, what we are saying is, if we do not have that stringent type thing, the iTaukei will be left out because we do not have those conditions and checks and balances. *Ena rawa ni la'ki vakaleqai tale kina.*

MR. CHAIRMAN.- *Dua na Judge e gole mai na macawa sa oti* [A judge appeared before our Committee last week - Justice Lakshman. In his presentation, he was saying that something that affects the many, go into the law. The one that affects a few, put it in regulation. Just looking at this, because everyone will die, everyone will be buried, so put it together. What we have here is, it tends to separate us the *iTaukei*, but it is a very good submission for us.

HON. J. USAMATE.- In that law *per se*, a lot of the stuff is in the Act itself, but for each of the licensed or recognised cemeteries, they have their own regulations. That is the way that it is currently structured. What he is saying is that the things that are in all those regulations that are common to all of them, just put it into the law, and just have the specifics for each of the burial sites in a particular regulation. I think that principle also can be applied, to some degree, with what we need for iTaukei burial grounds.

MR. CHAIRMAN.- In looking at the Ministry of iTaukei Affairs presentation, look at the Provincial Council Regulations and stated here (a), (b), (c) and (d), so there are things here that affect the many. Village planning, for example, is separate because of the context of village. Certain places have villages. Cemeteries are across the board, recreational sports ground are across the board, which should not be in the regulation but included in the legislation. Interestingly, this was made way back then.

MR. J. TOGANIVALU.- Mr. Chairman, another type of burial that is usually coming up from iTaukei landowners are the burials on the leases. I think some of the new lease conditions with iTLTB and also the Department of Lands have now clearly stated that there has to be no burials inside the leases. Before, there was no provision for this, and also the iTaukei landowners usually come up to us and say, "*E dua na veibulu esa caka mai na loma ni neitou lisi - na neitou qele o koya lisi tu kina o ka*". By putting it into writing or as part of the lease provisions, it has prevented this from happening. Now, we have a number of cemeteries that are on the leases and some of these leases, after the lease expiry, they will leave the cemetery behind.

HON. J. USAMATE.- So, in that particular case, is it the requirement now with iTLTB that they have that clause that you cannot put burials in leased land?

MR. J. TOGANIVALU.- Yes. From experience because one of our leasing settlements, I usually have this right now and before, some five years back, the iTLTB came in and stopped burials in cemeteries allocated within settlements because it is now part of the provisions of the new lease conditions that we cannot do that. We have to go to the cemetery there in Korovou, this is in Tailevu. A leasing settlement in Waidalice, they now go to Korovou for their burials – the lessees who are in there. Before they used to have part of one lease as their burial site but now, several people are buried there and if the lease expires and the iTaukei landowners do not renew them, then what needs to be done in this case? That is something that also needs to be looked at in terms of burials within leases.

MR. CHAIRMAN.- If I can just pull the string from the discussion, my question to you, Deputy CEO, would be in the context of burial in leases, so they have conducted the burial and then the only repercussion there is the termination of lease. However, the exhuming of corpse is something because the main issue there is the burial.

HON.I. TUIWAILEVU.- Just like what happened in the old Parliament, they buried one body there during the *coup* and they have to exhume it, to be moved someplace else.

MR. CHAIRMAN.- What if you come across such case?

MR. J. TOGANIVALU.- I have not come across a case as such, but what if?

MR. CHAIRMAN.- Yes, it is something we have to think about because we have to put it in the law. If they do that, then there should be some power to empower the landowners to remove them.

MR. J. TOGANIVALU.- Once the lease expires and the lessee goes, they say, “You take the body with you.”

MR. CHAIRMAN.- So, for the current one, if you see it, they have the removal of body, opening of graves, which is something that is weak in our the iTaukei context in villages.

HON. J. USAMATE.- Under the current one, it gives rights on who can approve the disinterment - take the body out, or reinterment - *na kena biu lesu tale*, so take out of here put into there.

MR. CHAIRMAN.- *Vei kedatou, e sega.*

HON. J. USAMATE.- Yes, so we need to have those SOPs.

MR. CHAIRMAN.- Yes, especially for the lessees. *Kevaka sa caka e kea na veibulu, na ka ga o rawa ni cakava*, you terminate your lease. *Ia, na i bulubulu ena tu ga, ena sega ni dua* authority *e tiko vei dua vei ratou oya me vakagalalataka*. It is something to think of.

MR. J. TOGANIVALU.- We really need to have this set of legislation in place and also the SOPs because for the Fiji Corrections Service, if we have to have the burial over a current cemetery, it is now 14 years or 15 years their length of waiting time. In the village, there is none. *Era via kila ga o ira ni sa rawa ni keli, sa bulu tale yani kina e dua*. It is something of a risk and there is no length of waiting time. So, those are some of the risks that are there.

MR. CHAIRMAN.- Has it ever come up in the discussions in the Ministry or probably on the ground, the context of iTaukei moving into cremation?

MR. J. TOGANIVALU.- Yes, there have been some iTaukei going for cremation. I believe that the current practice is cremation in Nakasi. Those who have the funds can cremate the bodies there. I have seen several iTaukei going for cremation at Nakasi but not at the current crematorium using firewood. I see them going for cremation at Nakasi.

Some of these changes, I believe, are part of our submission as well for the way forward. You will see that we are requesting that those villages near the urban areas, *wili kina o au vata kei Isimeli beka, keimami na tiko voleka 'qo na neimami koro...*

HON. J. USAMATE.- *Vakacava o iratou mai Lomaiviti?*

MR. J. TOGANIVALU.- ...if something happens, the body must be buried in the village burial grounds. That is something that we have, citing the current congestion of the burial sites now in the urban areas.

MR. CHAIRMAN.- In this discussion, I think I can find a loophole. It does not stop someone from cremation in the village because the law is silent on it and the law with regards to cremation is only for those registered. So, in the context of iTaukei villages, if someone wants to cremate the body, they can do it.

HON. J. USAMATE.- What you are saying, Mr. Chairman, is if they want to burn it in the village?

MR. CHAIRMAN.- Yes.

HON. J. USAMATE.- ...nothing is going to stop that?

MR. CHAIRMAN.- Because the law is silent on that.

HON. J. USAMATE.- Interesting! Whereas we are talking about putting recommendations in for crematorium into that legislation.

MR. CHAIRMAN.- Yes, and moving forward, a lot of burial places are now....

HON. J. USAMATE.- A lot of iTaukei now are going to Raralevu because it is cheaper.

MR. CHAIRMAN.- Alright.

HON. J. USAMATE.- I have had family members going there.

MR. CHAIRMAN.- It is something for the Ministry to think of. It is good for them to do their amendments now, moving forward, because if this happens, they have something to fall back on.

HON. J. USAMATE.- I think, Mr. Chairman, what we can do, as a Committee, we can raise these issues in our report to Parliament. We can also, perhaps, open up discussions on this when we are talking about this Bill, with the drafters, to see whether it is conceivable to include here or whether it is something to be included in amendments to that particular Act. These are very important concerns that we have. It is good that we are talking about it. Even through this submission here, we are illuminating - we are putting some lights on the need to be able consider those things. What do you think, Mr. Chairman?

MR. CHAIRMAN.- Definitely, I think the important question that must be referred to the Ministry of Health is, why not include the iTaukei? In their answer, they said because iTaukei burial grounds are handled by the Provincial Councils. When we come and look at the regulations, the word "burial" is only mentioned once and just look at the channel that it has to go through. The Ministry of Health has to broadly look at this in the context of health and sanitation. We might try and pose that question back to them after looking at that. I think so they did not look at the regulations for Provincial Councils.

HON. J. USAMATE.- I think, in this case, they were just looking at the Act.

MR. CHAIRMAN.- Yes.

HON. J. USAMATE.- Whatever is excluded, they did not look at it all. However, for us as a committee, we need to look equally at all citizens which affects a substantive part of our citizens who live in villages. I think it has to be a very important finding from us, and then we have to look at what kinds of recommendations we can make with relation to that finding. There is a big lacuna - a gap there.

MR. CHAIRMAN.- Anything else, honourable Members? Any final comments from our submitters? We get the gist of what they have submitted. Deputy CEO, any final comments?

MR. J. TOGANIVALU.- Mr. Chairman and honourable Members, we thank you for the opportunity to present our submission this morning. We would like to move this forward within our institution, and we also request the assistance of the Committee to move this further so that this issue is dealt with and finalised. *Vinaka vakalevu*, Mr. Chairman.

MR. CHAIRMAN.- Thank you very much, Deputy CEO, and we welcome your request for the Committee to move this forward and for the Ministry to work on that.

Honourable Members, if there are no more questions or comments with respect to the submission this morning from the Ministry of iTaukei Affairs, I think we have got the gist of their presentation. A very good presentation as well. We have been looking at only one side but now, we see the other side and the gaps that the Committee has been more tasked to fight something to close those gaps.

Other than that, I wish to take this time, honourable Members, to thank our submittees for coming in this morning. To you, Sirs, coming in from the Ministry of the iTaukei Affairs, thank you very much for appearing before us. We are all iTaukei and we are very thankful for what you have presented here, which is more likely all our voices. You are the experts in this, and we thank you very much for your submission this morning.

Honourable Members, that concludes our public submission for today. Honourable Koya and honourable Nand, if you are hearing us, thank you very much for tuning in live. We are scheduled for 11.00 a.m., again, tomorrow, so other than that, our meeting is adjourned.

The Committee adjourned at 11.55 a.m.



ATTORNEY-GENERAL'S CHAMBERS
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GOVERNMENT BUILDINGS
SUVA, FIJI

CONFIDENTIAL

26 November 2025

By Hand Delivery and e-mail: rakuita.vakalalabure@homeaffairs.gov.fj

Honourable Ratu Rakuita Vakalalabure
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament Complex
Suva

Dear Honourable Chairperson

Re: Amendments to the Burial and Cremation (Amendment) Bill 2025 (Bill No. 30 of 2025)

1. We refer to your 26 November 2025 letter in relation to instructions from the Standing Committee on Justice, Law and Human Rights ('**Standing Committee**') to amend the, *inter alia*, Burial and Cremation (Amendment) Bill 2025 ('**Bill**').
2. Please note our response as follows:

Instructions for amendment	Response from the Office of the Solicitor-General
<u>Clause 2 (definition)</u> The Standing Committee instructs that the definition of "permanent secretary" be deleted.	Clause 2 of the Bill is amended accordingly, including incidental minor stylistic amendments as indicated in magenta.
<u>Clause 8</u> The Standing Committee recommends expanding the provision to include the following sentence after \$1,000 "or community service under the discretion of the court".	Clause 8 of the Bill is amended accordingly to expand the orders a court can impose to include community-based corrections under the Community-Based Corrections Act 2018 as well as any other order the court thinks fit (discretionary).

3. Given the above, please see attached the revised Bill for review, confirmation or further instructions. Should the Standing Committee have no other recommendation, please provide instructions for our office to proceed with printing of the Bill as amended.
4. Should you require further clarification, please contact the undersigned at joshua.nawaqatabu@ag.gov.fj.

Thank you.



Joshua Sidney Nawaqatabu (Mr)
Legal Officer
for **THE SOLICITOR-GENERAL**

Attachment: Burial and Cremation (Amendment) Bill 2025 (Bill No. 30 of 2025) as amended.



ATTORNEY-GENERAL'S CHAMBERS
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21 November 2025

By Hand Delivery and e-mail: rakuita.vakalalabure@homeaffairs.gov.fj

Honourable Ratu Rakuita Vakalalabure
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament Complex
Suva

Dear Honourable Chairperson

Re: Burial and Cremation (Amendment) Bill 2025 (Bill No. 30 of 2025)

1. We refer to your 23 October 2025 letter ('**Letter**') in relation to instructions by the Standing Committee on Justice, Law and Human Rights ('**Standing Committee**') for amendments and clarification on the Burial and Cremation (Amendment) Bill 2025 ('**Bill**').
2. Kindly find tabulated below the stance/queries of the Standing Committee and our responses thereto—

Relevant clause of the Bill	Stance/Queries by Standing Committee	Response from OSG
<u>Definition</u> Clause 2	(a) Why include PS in the 'definition' if he has no role in the Act? (b) Clarification be sought on the implications of this shift in authority since the PS now appears to have no authority, while	(a) Concur, deletion supported. (b) Policy question, more appropriate for the Ministry to answer. (c) As discussed at meeting with Ministry of Health representative, drafters and Standing Committee, the amendments to the Act are the first phase, regulations will be dealt with by Ministry subsequent to the enactment of these amendments to the principal legislation.

Relevant clause of the Bill	Stance/Queries by Standing Committee	Response from OSG
	<p>the Minister's role is mentioned 16 times in the Amendment Bill.</p> <p>(c) Clarification be sought on the impact of these amendments on existing regulations and contemporary legal frameworks.</p>	
<p><u>Minister may license burial grounds or crematoria</u></p> <p>Clause 3</p>	<p>(a) The Committee noted that the Minister issues licenses for burial grounds, but the right of appeal process is unclear and seeks further clarification on this.</p>	<p>(a) Not an amendment, policy question more appropriate for the Ministry to answer.</p>
<p><u>Site of burial ground or crematorium</u></p> <p>Clause 5</p>	<p>(a) The Committee seeks clarification on whether subsidiary legislation (regulations) has been updated to align with</p>	<p>(a) As discussed at meeting with Ministry of Health representative, drafters and Standing Committee, the amendments to the Act are the first phase, regulations will be dealt with by Ministry subsequent to the enactment of these amendments to the principal legislation.</p>

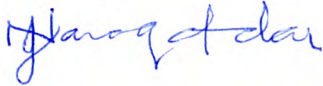
Relevant clause of the Bill	Stance/Queries by Standing Committee	Response from OSG
	these amendments, particularly concerning units of measurement (yards/meters)	
<p><u>Regulations governing burial grounds etc</u></p> <p>Clause 7</p>	<p>(a) The Committee noted that the Bill lacks definitions for key terms like “Burial Authority” and “Manager” which creates potential confusion.</p> <p>(b) Does burial authorities same as Manager (S.8)? If it is, should there be a need of a definition indicating its role in the Act.</p> <p>(c) The Committee seeks clarification on whether subsidiary legislation (regulations) has been updated to</p>	<p>(a),(b) and (c) –</p> <p>There is no issue with defining the “burial authority,” as this is already clearly addressed in Clause 6.</p> <p>However, on the reference to the “manager,” we may need some policy direction due to a potential overlap of responsibilities. From our discussions, we understand that the Minister appoints the Burial Authority, which is in most cases the Fiji Corrections Service. The Fiji Corrections Service also currently manage these burial grounds. We therefore need clarity on whether the Minister would also appoint the manager, or whether that authority would fall to the Burial Authority.</p> <p>Given the resource constraints highlighted by the Commissioner of Prisons, they may prefer the flexibility to appoint separate or private managers so they can focus on their core responsibilities.</p> <p>This will be important when defining the term “manager,” as the definition may need to specify the appointing authority.</p> <p>It may also be worthwhile to allow the Fiji Corrections Service an opportunity to provide their views on this point.</p>

Relevant clause of the Bill	Stance/Queries by Standing Committee	Response from OSG
	align with penalties.	
<p><u>Offences</u></p> <p>Clause 8</p>	<p>(a) Penalties: The Committee seeks clarification on whether the regulations have been updated to reflect the amendments, especially regarding units of measurement (yards versus meters) and applicable penalties.</p>	<p>(a) As discussed at meeting with Ministry of Health representative, drafters and Standing Committee, the amendments to the Act are the first phase, regulations will be dealt with by Ministry subsequent to the enactment of these amendments to the principal legislation.</p>
<p><u>iTaukei burial grounds</u></p> <p>Clause 17</p>	<p>(a) Section 17 'iTaukei burial grounds' – The Committee noted that the Act does not apply to burial grounds which are under the supervision and control of the Provincial Council.</p> <p>(b) Clarification is sought on which legislation provides mandate to provincial</p>	<p>(a) and (b)—</p> <p>Likely connection to section 7 of the iTaukei Affairs Act 1944 which empowers provincial councils to make by-laws for the health, welfare and good government of residents and members of the province, noting principal Act is quite dated and iTaukei burial sites were predominantly matter for respective provinces (variations in landform features/situation, customs etc.) and not conventional formal regulation.</p> <p>(c) Not an amendment, policy question more appropriate for the Ministry to answer.</p>

Relevant clause of the Bill	Stance/Queries by Standing Committee	Response from OSG
	<p>council to oversee iTaukei burial grounds.</p> <p>(c) The Committee noted that the updated definition of “burial ground” leaves out key types: traditional village burial sites, religious grounds owned by communities like Hindus and Muslims, and private plots on personal land. Furthermore, the Bill appears to be silent on traditional and religious practices, such as the scattering of ashes in rivers or the sea. Committee seeks clarification on the reasons for this?</p>	

3. We also note from the Letter that as the Standing Committee will be conducting consultations on the Bill, further amendments may be proposed following the review of submissions received. We look forward to receiving any such proposed amendments and the response to our comments in this letter.
4. Should you require further clarification, please contact Ms Yabaki Vosadrau or the undersigned on e-mail at yabaki.vosadrau@ag.gov.fj or joshua.nawaqatabu@ag.gov.fj respectively.

Thank you.



Joshua Sidney Nawaqatabu
Legal Officer
for **THE SOLICITOR-GENERAL**

BILL NO. 30 OF 2025

A BILL

FOR AN ACT TO AMEND THE BURIAL AND CREMATION ACT 1911

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—**(1) This Act may be cited as the Burial and Cremation (Amendment) Act 2025.
- (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 Burial and Cremation Act 1911 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by—

- (a) in the definition of ““body” or “dead body””, deleting “and”;
- (b) after the definition of ““body” or “dead body””, inserting the following new definitions—

““body parts” means any part of a human body, whether whole or in sections, including organs, tissues, limbs, bones, ashes or any other anatomical material, whether or not such part is attached to a body, and whether or not it has undergone any process of preservation or dissection;

“burial-grounds” means a cemetery or graveyard that is set aside by the State and is designated for body parts to be interred and includes any structures, vaults, columbaria, mausoleums, memorials, gardens, and other buildings or grounds incidental to such use;”;

- (c) in the definition of “crematorium”, deleting “.” and substituting “; and”; and
- (d) after the definition of “crematorium”, inserting the following new definitions—

““Minister” means the Minister responsible for health; and.”; and

~~“Permanent Secretary” means the permanent secretary responsible for health.”.~~

Section 4 amended

3. Section 4 of the Principal Act is amended by deleting “\$200” and substituting “\$5,000”.

Section 5 amended

4. Section 5 of the Principal Act is amended by—

- (a) in subsection (1), deleting “200 yards” and substituting “200 metres”;
- (b) in subsection (2), deleting “50 yards” and substituting “50 metres”; and
- (c) after subsection (2), inserting the following new subsection—

“(3) This section does not apply to any burial-ground or crematorium that was lawfully established, or for which construction had lawfully commenced on or before the commencement of the Burial and Cremation (Amendment) Act 2025.”.

Section 7 amended

5. Section 7(3) of the Principal Act is amended by deleting “\$100” and substituting “\$1,000”.

Section 8 amended

6. Section 8 of the Principal Act is amended by ~~deleting “\$50” and substituting “\$1,000”.~~—

- (a) renumbering section 8 as section 8(1);
- (b) deleting “\$50” and substituting “\$1,000”; and
- (c) after subsection (1), inserting the following subsection—

“(2) Where a person is found guilty of an offence under subsection (1), a court may, taking into account the circumstances of the offence, make an order for the offender to undertake community-based corrections under the Community-Based Corrections Act 2018, or any other order the court thinks fit.”.

Section 13 amended

7. Section 13 of the Principal Act is amended by—

- (a) in the chapeau, after “body”, inserting “or body parts”;
- (b) in paragraph (b), deleting “and”;
- (c) in paragraph (c), deleting “.” and substituting “;”; and
- (d) after paragraph (c), inserting the following new paragraph—

“(d) the body or body parts are dealt with in such a manner that ensures that any waste products thereof are disposed of in a safe and proper manner.”.

Section 15 amended

8. Section 15 of the Principal Act is amended by—

- (a) deleting “permanent secretary” wherever it appears and substituting “Minister”; and
- (b) deleting “\$200” and substituting “\$1,000”.

Section 16 amended

9. Section 16 of the Principal Act is amended by—

- (a) deleting “permanent secretary” wherever it appears and substituting “Minister”; and
- (b) deleting “\$200” and substituting “\$1,000”.

Office of the Attorney-General
Suvavou House
Suva

September-October 2025

BURIAL AND CREMATION (AMENDMENT) BILL 2025

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 Burial and Cremation Act 1911 (**‘Act’**) regulates the licensing, regulation, and management of burial grounds and crematoria in Fiji, ensuring public health and orderly interment practices.
- 1.2 The Burial and Cremation (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide for updated policy and procedural considerations.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending 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 amends section 2 of the Act by inserting new definitions for “burial grounds”, “body parts”, “Permanent Secretary” and “Minister”.
- 2.3 Clause 3 of the Bill amends section 4 of the Act by increasing the fine for burying in unlicensed ground from \$200 to \$5,000.
- 2.4 Clause 4 of the Bill amends section 5 of the Act by replacing the imperial units of measurement of yards to the International System of Unit of metres.
- 2.5 Clause 5 of the Bill amends section 7 of the Act to increase the level fines that may be imposed in Regulations under the Act up to \$1,000.
- 2.6 Clause 6 of the Bill amends section 8 of the Act by increasing the fines for offences up to \$1,000.
- 2.7 Clause 7 of the Bill amends section 13 of the Act by including body parts, which includes ashes, to items which may be disinterred.

- 2.8 Clause 8 of the Bill amends section 15 of the Act by shifting the responsibility from the Permanent Secretary to the Minister of notifying persons that a breach in a condition to bury a body or body parts attracts a fine of \$1,000, up from \$200.
- 2.9 Clause 9 of the Bill amends section 16 of the Act by shifting the responsibility from the Permanent Secretary to the Minister of notifying persons employed to disinter a body or body parts on behalf of another person, that a breach in a condition to bury such body or body parts attracts a fine of \$1,000, up from \$200.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The Act comes under the responsibility of the Minister responsible for health.

S. D. TURAGA
Acting Attorney-General