



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

CALL FOR FACE TO FACE OR WRITTEN SUBMISSIONS

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The Burial and Cremation Act 1911 (Act) was originally enacted to manage public health and land use related to burial practices during a time when Fiji had a smaller population and fewer urban centers.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



ATTORNEY-GENERAL'S CHAMBERS
P O BOX 2213
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 Quarantine (Amendment) Bill 2025 (Bill No. 31 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*, Quarantine (Amendment) Bill 2025 ('**Bill**').
2. Please note our response as follows:

Instructions for amendment	Response from the Office of the Solicitor-General
<p>Instructions to amend clause 5 of the Bill as follows:</p> <p>New insertion to section 9 of the Quarantine Act 1964 ('Act'): "</p> <p>"(2A) Stop departure notice issued preventing vessel leaving the shores of Fiji with pay relevant service fee or fines".</p>	<p>From the rationale of the instructions to amend section 9 of the Act to include the issuance of a stop departure notice due to non-compliance with quarantine or health measures or for non-payment of fees due to the offence committed, we advise that section 8 of the Act provides that a police officer enforces compliance of the Act, including boarding a ship or aircraft without a warrant or arresting without a warrant.</p> <p>In terms of non-payment of fees, we advise that section 9(3) of the Act sufficiently addresses payment of fees where the agent of a vessel or an aircraft is required to pay any sum of money owed to the Quarantine Authority within 31 days.</p>
Instructions to insert "Quarantine" before "Authority" in section 9(3) of the Act.	Clause 5 of the Bill is amended accordingly.

Instructions for amendment	Response from the Office of the Solicitor-General
Therefore, clause 5 of the Bill to be amended accordingly.	
	<p>In addition, please note that we have made stylistic amendments to clause 4 of the Bill as follows:</p> <ul style="list-style-type: none"> (a) clause 4(a) – delete “shall be guilty of” and substitute with “commits”; (b) clause 4(a) – delete “shall be” and substitute with “is”; (c) clause 4(b) – delete “is guilty of” and substitute with “commits”; and (d) clause 4(b) – after “and” insert “is”.

3. In light of the above, the Bill, as amended, is attached for review, confirmation, or further direction.
4. If the Standing Committee has no other recommendation, please provide instructions for our office to proceed with publication of the Bill, as amended.
5. Should you require further clarification, please contact Ms Yabaki Vosadrau at yabaki.vosadrau@ag.gov.fj.

Thank you.



Yabaki Vosadrau (Ms)
Deputy Chief Law Drafter
for **THE SOLICITOR-GENERAL**

Attachment: Quarantine (Amendment) Bill 2025 (Bill No. 31 of 2025) as amended.



ATTORNEY-GENERAL'S CHAMBERS
P O BOX 2213
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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: Quarantine (Amendment) Bill 2025 (Bill No. 31 of 2025)

1. We refer to your 23 October 2025 letter ('**Letter**') in relation to clarifications sought by the Standing Committee on Justice, Law and Human Rights ('**Standing Committee**') on the recommendations to, *inter alia*, the Quarantine (Amendment) Bill 2025.
2. We also note from the Letter that as the Standing Committee will be conducting consultations on the Bill and further amendments may be proposed following the review of submissions received.
3. Please note our response as follows:

Relevant clause of the Bill	Clarifications by Standing Committee	Response from the Office of the Solicitor-General
<u>Clause 2</u>	The Minister still has full authority on the operation of the Act even though there is more responsibility vested under the PS. Therefore, the Standing Committee seeks clarification on the intention of this shift.	We advise that the allocation of responsibilities follows the standard framework where operational functions are assigned to the Permanent Secretary who is responsible for day-to-day administration. This includes appointment of quarantine officers. We also advise that the laws are assigned to the respective ministries, therefore Minister has oversight of the administration of the Quarantine Act 1964 (' Act ').
<u>Clause 4</u>	<u>Clause 4(c)</u> a) The Standing Committee recommends	We advise not to increase the fixed penalty. Fixed penalty notices are intended as a first-tier deterrence mechanism, offering a prompt and reasonable option for offenders to

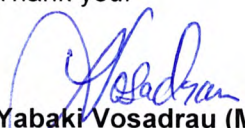
Relevant clause of the Bill	Clarifications by Standing Committee	Response from the Office of the Solicitor-General
	<p>amending \$500 to '\$10,000' and \$1,000 to '\$50,000'. (the proposed increase in fine would act as a deterrent).</p>	<p>discharge liability without resorting to court proceedings.</p> <p>Significantly increasing the penalties to such high amounts would undermine the purpose of fixed penalties, as offenders are unlikely to have the financial capacity to pay these sums within the prescribed timeframe, which may instead lead to non-compliance and increased referrals to the courts.</p>
	<p><u>General Query</u></p> <p>b) The Committee is concerned that offences such as "refuses to answer" quarantine officers may conflict with the constitutional right to silence, prompting questions about how to balance individual rights with public health obligations during a pandemic.</p>	<p>The Standing Committee raises a concern about a potential conflict between the offence of "refusing to answer" quarantine officers and what it calls a "constitutional right to silence."</p> <p>For clarity, could the Standing Committee please confirm what is meant by the phrase "constitutional right to silence".</p> <p>We note however, that under section 13 of the Constitution of the Republic of Fiji, a person who is <u>arrested</u> or <u>detained</u> has "the right ... to remain silent" and not to be compelled to make a confession or admission that could be used against them.</p> <p>Requiring a person to provide factual information needed for enforcing public health measures is a standard feature of the Act and does not, on its own, amount to compelled self-incrimination. Therefore, information such as travel history, contact details, or compliance with quarantine directions, is necessary for a quarantine officer to prevent or control the spread of disease and is administrative in nature rather than criminal.</p> <p>As long as the information requested does not require a person to admit to a criminal offence, we advise that this obligation does not conflict with constitutional protections relating to silence or self-incrimination.</p>

Relevant clause of the Bill	Clarifications by Standing Committee	Response from the Office of the Solicitor-General
	c) The Committee identified the absence of a transparent and clear process for appealing against decisions or penalties imposed under the act.	We advise that the decisions and penalties imposed under the Act are already subject to the ordinary judicial process.
Clause 5	<p>Recommendation for amendments:</p> <p>Committee agrees on the proposed amendments by the Ministry of Health on new subclauses 2(a),(3),(4) and (5). Committee also seeks OSG advice on these changes whether it is practicable and in line with other existing legislation.</p> <p>a) Clause 2(a): the Committee recommends that there be a new subclause to reflect wordings as such;</p> <p>2(a) Stop departure notice issued preventing vessel leaving the shores of Fiji with pay relevant service fee or fines’.</p> <p>b) Clause 3: Committee recommends amending ‘31 days’ to ‘30 days’.</p> <p>c) Clause (4): Committee agrees for the non-criminalization of offence and suggests that the sentence under 4(b) of the Bill “or to imprisonment for a</p>	<p>We note the recommendation to amend section 9 of the Act as follows:</p> <p>a) New subsection:</p> <p>(2A) Stop departure notice issued preventing vessel leaving the shores of Fiji with pay relevant service fee or fines.’</p> <p>We seek clarification on the rationale of this new insertion and the intention of the authority to be issuing stop departure notice.</p> <p>b) We seek clarification on the rationale to delete “31 days” and substituting “30 days”.</p> <p>c) We advise that the provision be left as is and seek clarification for the rational of the prosed deletion.</p>

Relevant clause of the Bill	Clarifications by Standing Committee	Response from the Office of the Solicitor-General
	<p>term not exceeding 12 months or both" be deleted.</p> <p>d) New Clause 5: Committee recommends inserting new subclause to reflect wordings as such;</p> <p>'(5) And the court shall make an order for the recovery of outstanding arrears'.</p> <p>General Query</p> <p>e) Clause 9(3): The Committee query on what does agent refer to? If it refers to a body other than person, than it should be defined. Otherwise then amend to 'person'.</p> <p>f) Clause 9(3): Does this refer to the 'Quarantine Authority'? If it is, suggest amending to state full title for consistency.</p>	<p>d) We seek clarification on the rationale of this new insertion.</p> <p>e) We advise that the term "agents" be retained, as replacing it with "person" would not reflect the specific role of authorised shipping or airline agents who act on behalf of vessel or aircraft operators. In addition, use of "person" does not read well with section 9(3) of the Act.</p> <p>f) We agree.</p>

4. Should you require further clarification, please contact Ms Yabaki Vosadrau at yabaki.vosadrau@ag.gov.fj.

Thank you.


Yabaki Vosadrau (Ms)
Deputy Chief Law Drafter
for THE SOLICITOR-GENERAL

BILL NO. 31 OF 2025

A BILL

FOR AN ACT TO AMEND THE QUARANTINE ACT 1964

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Quarantine (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 Quarantine Act 1964 is referred to as the “Principal Act”.

Section 2 amended

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

(a) after the definition of “master”, inserting the following new definitions—

““Minister” means the Minister responsible for health;

“Permanent Secretary” means the permanent secretary responsible for health;”; and

(b) in the definition of “ship” after “vessel”, inserting “, yacht, superyacht”.

Section 3 amended

3. Section 3(2) of the Principal Act is amended by deleting “Minister” and substituting “Permanent Secretary”.

Section 7 amended

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

(a) in subsection (1), deleting “~~shall be guilty of~~ commits an offence and ~~shall be~~ is liable on conviction to a fine of \$100 or to imprisonment for 6 months or both such fine and imprisonment” and substituting “commits an offence and liable on the issue of a fixed penalty notice, to pay a fixed penalty of \$1,000.”;

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

“(1A) If the fixed penalty notice referred to in subsection (1) is not paid within the period specified in the notice, the person ~~is guilty of~~ commits an offence and ~~is~~ is liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or both.”; and

(c) deleting subsection (2), substituting the following—

“(2) Any person convicted of an offence under this Act for which no special penalty is provided is liable in the case of a first offence to a fixed penalty notice, and is liable to pay on the issue of a fixed penalty notice, a penalty of \$500 or imprisonment for a period not exceeding 3 months, and in the case of a second or subsequent conviction, a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months or both.”.

Section 9 amended

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

(a) in subsection (3), ~~deleting “\$500” and substituting “\$1,000”; and—~~

(i) after “to the”, inserting “Quarantine”; and

(ii) ~~deleting “\$500” and substituting “\$1,000”.~~

(b) after subsection (3), inserting the following new subsection—

“(4) Any agent who fails to pay the fine referred to in subsection (3) within the period specified by the Quarantine Authority commits an offence and is liable on conviction to—

(a) in the case of a body corporate, a fine not exceeding \$50,000;
or

(b) in the case of an individual, a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or both.”.

Office of the Attorney-General
Suvavou House
Suva

September-October 2025

QUARANTINE (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 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.
- 1.2 The Quarantine (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide for updated policy and regulatory changes.

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 expanding the definition of “ship” to include yacht and superyacht. Clause 2 of the Bill also defines the responsible Permanent Secretary and Minister.
- 2.3 Clause 3 of the Bill amends section 3 of the Act by replacing the function of appointing quarantine officers from the Minister to the Permanent Secretary.
- 2.4 Clause 4 of the Bill amends section 7 of the Act to provide for fixed penalties of \$500 and \$1,000 which replace the previous fines of \$50 and \$100 respectively.
- 2.5 Clause 5 of the Bill amends section 9 of the Act to increase the fixed penalties for non-compliance to \$1,000. It further states that any person who fails to pay that fine will be guilty of a criminal offence.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for health.

S. D. TURAGA
Acting Attorney-General