



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Burial and Cremation (Amendment) Bill (Bill No. 30 of 2025)



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CHAIRPERSON'S FOREWORD



The Standing Committee on Justice, Law and Human Rights was referred the Burial and Cremation Bill to scrutinise and to return a report of its findings to Parliament.

The Burial and Cremation Bill aims to seeks to amend the Act to provide for updated policy and procedural considerations.

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.

The Burial and Cremation Act 1911 (**'Act'**) was originally enacted to manage public health and land use related to burial practices during a time when Fiji had a smaller population and fewer urban centers.

In 2025, the Burial and Cremation (Amendment) Bill 2025 (**'Bill'**) seeks to amend the Act to reflect modern realities such as urbanization, land scarcity, evolving cultural practices and addressing operational challenges in the upkeep of registered burial grounds. The Bill is also aimed to achieve the following;

- update definitions,
- increase fines for non-compliance
- shifting certain responsibilities from the Permanent Secretary to the Minister responsible for health.
- proper handling and disposal of body parts and waste products,
- aligns measurement units with international standards; and
- strengthens regulations for burial grounds and crematoria.

The proposed changes carry several practical and legal implications. By explicitly including body parts and waste disposal, the Act establishes a statutory basis for regulating anatomical materials, thereby strengthening biohazard controls and aligning more closely with existing public health frameworks. Administratively, shifting notification duties to the Minister could accelerate policy decisions, though it may also increase ministerial workload. In terms of enforcement, higher fines are expected to enhance compliance, but clear guidelines will be essential to ensure penalties are applied fairly and consistently. Finally, aligning distance measurements with planning and environmental laws will help maintain coherence in land-use regulations, particularly regarding the placement of burial grounds and crematoria.

As part of the review, the Committee conducted public consultation in targeted areas to gather opinions and feedback from the public. The Committee received support and commendation on the introduction of the amendment Bill, from majority of the public that had participated in the public consultation. However, like most activities that impact

the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

Consideration was also given to the impact of the Bill on Fiji's efforts in meeting its targets of the sustainable development goals (SDG).

The Committee acknowledges the concerns raised by the submittees and has deliberated at length on concerns raised. The Committee is confident that all issues raised have been addressed and that the Bill is sufficient as it is with some minor amendments.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Faiyaz Koya (Deputy Chairperson), Hon. Jone Usamate, Hon. Ratu Josaia Niudamu, Hon. Sachida Nand and Hon. Ratu Isikeli Tuiwailevu.

I, on behalf of the Committee, commend the **Burial and Cremation Amendment Bill (Bill No. 30 of 2025)** to the Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

The Standing Committee on Justice, Law and Human Rights (‘Committee’) is established under Section 70 of the *Constitution of the Republic of Fiji* and Standing Order 109 of the *Standing Orders of the Parliament of the Republic of Fiji*. The Committee consists of the following Members:



Hon. Ratu Rakuita
Vakalalabure
(Chairperson)



Hon. Faiyaz Koya
(Deputy Chairperson)



Hon. Jone Usamate
(Member)



Hon. Sachida Nand
(Member)



Hon. Ratu Isikeli
Tuiwailevu
(Member)



Hon. Ratu Josaia
Niudamu
(Member)

COMMITTEE SECRETARIAT

Supporting the Committee in its work is a group of dedicated Parliament Officers who make-up the Committee Secretariat and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk
- Mrs. Katie Batikawai – Assistant Committee Officer

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1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the Burial and Cremation Bill 2025 for review on October, 2025. The Bill was referred to the Committee in accordance with SO 51, which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the Burial and Cremation Bill 2025 (Bill No. 30 of 2025). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill, which aims to amend and modernize the 1911 Act.

The Committee read through the Bill and deliberated on the Clauses in the Bill. The Committee then invited the Ministry responsible to provide briefing on the intention of the changes in the Bill. Thereafter, the Committee then called for submissions from the public and other interested stakeholders by placing advertisements through the Parliament social media platform.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

2.0 THE BURIAL AND CREMATION BILL (BILL NO. 30 of 2025)

2.1 Introduction

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.

In 2025, the Burial and Cremation (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to reflect modern realities such as urbanization, land scarcity, evolving 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 on registered burial and cremations ground. Registered burial ground are as follows (KALABO AND NASINU); (NARIKOSO); (NASAVUSAVU); (RAIWAQA); (RARALEVU AND TABALE); (SIGATOKA); (SUVA MILITARY CEMETERY); (SUVA, NASINU, VATUWAQA, LEVUKA, VATUREKUKA); (VARAVU); AND (VUNINOKONOKO). It is imperative to note that the Act does not apply to i-taukei burial grounds of villages registered under the Ministry of i-taukei Affairs.

3.0 COMMITTEE’S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the Burial and Cremation Bill (**‘Bill’**) seeks to amend the Burial and Cremation Act 1911 (Principal Act).

The Committee had extensive discussions on the provisions of the Bill and resolved that it be prudent to firstly hear the views of the public specifically the stakeholders on this very important piece of proposed legislation. This public consultation would then allow the Committee to gauge the public’s perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report with the aforementioned information regarding the Bill, which is summarized below;

Clause 1 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.

Clause 2 amends section 2 of the Act by inserting new definitions for “burial grounds”, “body parts”, “Permanent Secretary” and “Minister”.

Clause 3 amends section 4 of the Act by increasing the fine for burying in unlicensed ground from \$200 to \$5,000.

Clause 4 amends section 5 of the Act by replacing the imperial units of measurement of yards to the International System of Unit of metres.

Clause 5 amends section 7 of the Act to increase the level fines that may be imposed in Regulations under the Act up to \$1,000.

Clause 6 amends section 8 of the Act by increasing the fines for offences up to \$1,000.

Clause 7 amends section 13 of the Act by including body parts, which includes ashes, to items which may be disinterred.

Clause 8 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.

Clause 9 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.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then had extensive discussions on the Clauses and identified certain provisions that merit proper consideration. These discussions resulted in the identification of a few issues, which the Committee placed as priority issues to be further discussed and deliberated on with the representatives from the drafters and the Ministry of Health. Based on the initial reading of the clauses, the Committee made comparative analysis on the Principal Act 1911, and the Burial and Cremation Bill 2025. The main issues noted from these discussions are as follows:

Area	Burial and Cremation Act 1911	Burial and Cremation Amendment Bill 2025
Scope of regulated remains	Whole bodies (historic drafting)	Whole bodies plus body parts and ashes; Broader 'Burial grounds' definition.
Penalties	Lower fines (e.g. \$200)	Substantially increased fines (e.g. \$5,000; \$1,000 maxima).
Units of Measure	Imperial (Yards)	Metric (Meters) with saving clause for existing sites.
Administrative Authority	References to Permanent Secretary in key sections	Powers and notices assigned to Minister.
Waste and Disposal	Not explicitly detailed in original text	Explicit duty to ensure safe and proper disposal of waste products.

<p>Principle Act (<i>black font</i>) Proposed Amendments (<i>red font</i>)</p>	<p>Stance by Committee</p>
<p style="text-align: center;"><u>Definiton</u></p> <p>2. In this Act – body or dead body include human remains but do not include any part of a living person which has been amputated or otherwise removed by surgery; and</p> <p>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;</p> <p>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.</p> <p>crematorium means any building or place fitted with appliances for the purpose of burning human remains and includes everything incidental or ancillary thereto;</p> <p>Minister means the Minister responsible for health; and</p> <p>Permanent secretary means the permanent secretary responsible for health</p>	<p>Amendment – Minister (16); PS (0) <i>Minister mentioned 16 times whilst none for the Permanent Secretary.</i></p> <p>a) Clarification was sought on the reason to include PS in the ‘definition’ if the position has no role in the Act? (could this be covered in the regulations).</p> <p>b) Clarification on the implications of this shift in authority since the PS now appears to have no authority, while the Minister's role is mentioned 16 times in the Amendment Bill.</p> <p>c) Clarification on the impact of these amendments on existing regulations and contemporary legal frameworks.</p>

<p>[BUC 3] Minister may license burial-grounds or crematoria</p> <p>3 (1) It shall be lawful for the Minister by notice in the Gazette to set apart and license as a public or private burial-ground or crematorium any parcel of land, whether State land or private property, which may be required for the purpose of a burial-ground or crematorium.</p> <p><small>[subs (1) am Ordinance 2 of 1964 s 2, opt 16 Oct 1964]</small></p> <p>(2) Private property may be acquired for the purpose or purposes aforesaid in accordance with the provisions of the Acts for the time being regulating the acquisition of land by the State for public purposes.</p> <p>(3) Land so acquired as aforesaid shall, on being set apart and licensed as a public burial-ground or crematorium, vest in the State freed and discharged from all estates, interests, charges, rights, encumbrances or titles whatsoever in trust to be devoted to the burial of the dead or to the burning of human remains, or to both purposes and separated from all other uses.</p>	<p>a) The Committee noted that the Minister issues licenses for burial grounds, but the right of appeal process is unclear and sought clarification on this.</p>
<p style="text-align: center;"><u>Burying in unlicensed ground</u></p> <p>4. In any Division in which a public burial-ground has been established under this Act it shall not be lawful to bury the dead in any place not being a licensed burial-ground. Any person who in any such Division buries any body, or in any way acts or assists in the burial of any body, in any place not being a licensed burial-ground shall, for every offence, be liable to a fine not exceeding \$200 \$5,000</p>	<p style="text-align: center;">No issue</p>
<p style="text-align: center;"><u>Site of burial-ground or crematorium</u></p> <p>5(1) No burial-ground shall be used, and no crematorium shall be constructed, nearer to any dwelling-house than 200 yards metres except with the consent –</p> <p>(a) in a case of a burial-ground or crematorium within a city or town, of the Minister;</p> <p>(b) in a case of the burial-ground or crematorium elsewhere, of the owner, lessee and tenant, if any, of such dwelling-house, signified in writing.</p> <p>(2) No crematorium shall be constructed within 50 yards metres of any public highway nor in the consecrated part of any burial-ground.</p> <p>(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.</p>	<p>a) The committee sought clarification on whether subsidiary legislation (regulations) has been updated to align with these amendments, particularly concerning units of measurement (yards/meters).</p>

<p><u>Regulations governing burial-grounds etc</u></p> <p>7(1) it shall be lawful for the Minister from time to time to make, alter or rescind regulations governing the general management, regulation and control of burial-grounds and crematoria, whether public or private, or governing the burial or cremation of dead bodies.</p> <p>(2) In particular, and without prejudice the generality of the foregoing, the Minister may make regulations for all or any of the following purposes-</p> <ul style="list-style-type: none"> (a) prescribing the functions, powers and duties of <u>burial authorities</u>; (b) the inspection of burial-grounds and crematoria and appointment of <u>managers</u> thereof; (c) prescribing the size of graves or vaults and the intervals between graves or vaults; (d) determining the fees to be charged in relation to burial-grounds and crematoria, to whom and into what account such fees shall be paid and the keeping and auditing of any books of account maintained in connection with any burial-ground or crematorium. (e) registering and the keeping of particulars of bodies brought to burial ground or crematoria; (f) controlling the placing, erection and construction of crematoria, gravestones, memorials, monuments, tablets and vaults; (g) prescribing the condition under, and the manner in which the cremation of human remains may take place; (h) prescribing forms or forms of books or register. <p>(3) such regulation may impose fines for breaches thereof not exceeding \$100 \$1000.</p>	<ul style="list-style-type: none"> a) The Committee noted that the bill lacks definitions for key terms like "<u>Burial Authority</u>" and "<u>Manager</u>," which creates potential confusion. 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. b) The committee sought clarification on whether subsidiary legislation (regulations) has been updated to align with penalties.
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<p style="text-align: center;"><u>Offences</u></p> <p>8 Any person who –</p> <ul style="list-style-type: none"> (a) Unlawfully in any burial-ground or crematorium by violent, indecent or disorderly behaviour prevents, interrupts or delays any burial or cremation; or (b) Buries a body in a burial-ground without obtaining the permission of the manager; or (c) Disobeys any lawful order of the manager of the burial-ground or crematorium; or (d) Places or plants any gravestone, memorial, monument, railing, tablet, tree or shrub in a burial-ground without obtaining the permission of the manager; (e) Unlawfully dirties, disfigures or disturbs any grave, gravestone, memorial, monument or tablet in a burial-ground; or (f) Fails to leave a burial-ground clean and tidy after any burial or after making any alteration or addition to any grave, gravestone, memorial, monument or tablet shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 \$1,000. 	<p>a) Penalties: The Committee sought 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 style="text-align: center;"><u>Permission to disinter</u></p> <p>13 it shall be lawful for a Minister, on application made to him or her, to grant permission, subject to such conditions as he or she may think fit to impose, to disinter the body or body parts of any person buried in Fiji in order that such body may be cremated or reinterred at some other place within or removed from Fiji, provided that no such permission shall be granted unless the Minister is satisfied-</p> <ul style="list-style-type: none"> (a) That the applicant is, by reason of kinship, connection by marriage, or friendship with the deceased or on any other grounds 	<p style="text-align: center;">No issue</p>

<p>whatsoever, a fit and proper person to make the application.</p> <p>(b) That such disinterment can be effected without danger to the public health;and</p> <p>(c) That having regard to all the circumstances of the case, it is expedient;and</p> <p>(d) The body or body parts are dealt with in a manner that ensures that any waste products thereof are disposed of in a safe and proper manner.</p>	
<p><u>Penalty for breach of conditions by applicant</u></p> <p>15 if any person to whom any such permission has been granted, after the disinterment has been commenced, commits any breach of any of the conditions of such permission, he or she shall be liable, on the complaint of the permanent secretary Minister responsible for health or other person authorised in writing by such permanent secretary Minister, to imprisonment for any period not exceeding 6 months or to a fine not exceeding \$200 \$1,000.</p>	No issue
<p><u>Penalty for breach of agreement by persons employed by applicant</u></p> <p>16 every person who, having agreed with such grantee to fulfill or assist in fulfilling any of the conditions of any such permission, commits any breach of such agreement so far as it relates to the fulfilling or assisting in the fulfilling of any such condition, shall, unless prior to the commencement of the disinterment he or she gave notice of his or her intention not to carry out his or her agreement to such grantee, be liable, on the complaint of the permanent secretary Minster responsible for health or other person authorized in writing by the permanent secretary Minister responsible for health, to imprisonment for any period not exceeding 6 months or to a fine not exceeding \$200 \$1,000, provided that no complaint shall be made or authorized by the permanent secretary Minister responsible for health under</p>	No issue

<p>this section unless, in the opinion of the permanent secretary Minister for health or of the Director of Public Prosecution, the breach of agreement is such that it is expedient interest that a complaint should be made, but it shall not be necessary to any proceedings consequent on any such complaint for the complainant to prove such opinion.</p>	
<p>[BUC 17] iTaukei burial-grounds</p> <p>17 The provisions of this Act shall not apply to burial-grounds which are under the supervision and control of a Provincial Council or which may become under the control of a Provincial Council.</p>	<p>a) Section 17 ‘i-taukei 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 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 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.</p>

3.4 Submission received via public consultation

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarised below.

Submissions received provided a range of comments and suggestions, which cover various issues pertaining to certain Clauses of the Bill.

Itaukei Burial Grounds

It was noted that Section 8 of the Act did not apply to iTaukei burial grounds as this came under the responsibility of the Ministry of iTaukei Affairs. There are three types of burial ground in the iTaukei context: (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*. Out of the three types of burial, the village residential compound burials were usually the cause of debates and disputes and were usually discouraged by the Ministry of iTaukei Affairs due to health and sanitation risks.

A question was raised as to whether regulations under the Ministry of iTaukei Affairs allowed for burial within village boundaries. It was noted that the law was silent on this. Under the Provincial Council Regulations, the council had the power only to confirm the cemeteries. In this case, the Ministry was only relying on the negotiations and the directions of the Roko Tui and provincial councils, as well as health inspectors, to assist in handling a case of burial within the village boundary.

Village By-laws

The Provincial Council regulations had the power to make the bylaws, which came under the purview of the Minister. It was noted that there were health bylaws for each province; however, there was no mention of burial grounds or cemeteries in them. It was recommended that a review of the Itaukei Affairs Act to consider management of burial grounds.

State Burial grounds

Land or areas allocated for burial were quickly diminishing due to the high number of deceased persons brought to the Fiji Corrections Service for burial. On average, the FCS received 10 to 12 burials a day. These were mainly on active burial grounds for Suva, Tavakubu, and Nasinu Cemeteries. For the Suva Cemetery, the portion on the hill was also quickly diminishing, and the whole area allocated for burial was expected to be exhausted.

For Vatuwaqa, burials had been closed unless there was a request for reopening after 14 years. However it was estimated that in the next 15 years, Nasinu cemetery would be fully exhausted.

The iTLTB had indicated that landowners around the major town areas in Fiji were reluctant to give their land for burial purposes. It was noted that this type of undertaking actually drove the cost of land in prime areas down.

The Fiji Corrections Service (FCS) had been advised by the iTaukei Land Trust Board (iTLTB) that a piece of land was available in Namosi. The unique aspect of burials was that the responsibility had always rested with FCS, as it had labour at its disposal. Fiji was one of the countries that provided very cheap burial services compared to its neighbours Australia and New Zealand and for this reason, the responsibility consistently fell on FCS to provide such services.

However, if a shift to Namosi had to be made, there was a need to establish a prison in proximity to the location in order to continue providing burial services to the public. Naboro was relatively close but not close enough, and for practical reasons, the cost could be high, particularly since it had yet to be determined whether the location was nearer to the Queens Highway.

Offences

The Fiji Corrections Service (FCS) had been questioned as to whether the imposition of community service upon offenders was a practical measure in circumstances where a person had committed an offence on a burial ground and was unable to pay the prescribed fine.

The Fiji Corrections Service (FCS) had agreed to the proposal and further stated that the Community Work Act 1996 provided alternative options for sentencing. As a practical solution, it was noted that where offenders were unable to pay the prescribed fine of \$1,000 particularly given that most offenders were unemployed, the court could impose alternative sentences requiring them to undertake work within the prison. Supervision was considered feasible, as officers visited the graves daily and could monitor attendance. In circumstances where offenders failed to comply with attendance requirements or absconded, they would be returned to prison. It was therefore concluded that community work constituted a practical and enforceable alternative sentencing option for offenders unable to pay fines.

Government Assistance

It was noted that a burial and cremation site in Sigatoka lacked proper facilities, and government assistance was requested to construct a shed over the cremation area, as families had been unable to proceed with cremations due to rainy weather. The Committee noted the concern and also advised the submittee that such assistance could be sought from the Ministry of Multi-Ethnic Affairs. Kavanagasau Cemetery served five settlements and provided both cremation and burial services. With assistance from the Ministry of Multi-Ethnic Affairs, 90% of improvement works were completed last year. The community was satisfied with government support overall, but the cemetery was located one kilometre from the main road, and maintaining that road was costly and difficult. While the government had sometimes assisted, it was noted that further help was needed for road maintenance.

Disposal of Ashes

A submittee noted that after cremation, families had to take the ashes to the sea, which was about 20 kilometres away for some and up to 50 kilometres for others. The submittee questioned whether a farmer who owned land along a riverbank and could permit ashes to be placed or buried. At that time, the government had designated only one location in the sea for this purpose. The representative from the Ministry of Health clarified that the disposal of ashes after cremation was permitted and generally not considered a problem. The concern was ensuring that it was not done in areas used for water distribution or fishing and that ashes should not be placed in catchments that supplies water. Additionally, it was clarified that a farmer could not permit any activity involving the sea, rivers, or streams as these areas belonged to the government. Such activity can only be granted unless a foreshore is granted for lease. Therefore, a farmer could not authorize the disposal of ashes in a river adjacent to his property without official permission.

Fines

The law had allowed for fines, and the fine was raised to \$1,000. It had previously been \$50 in 1911, but it was later increased to \$1,000. A question had been asked about whether this amount was sufficient. For example, if someone had been drinking at a burial ground at night, making noise, and then leaving, and a complaint had been lodged and the person is liable only for a fine of \$1,000. The submittee further advised that the provision is not sufficient given that the fine goes back to government coffin and there is no direct assistance rendered to the Committee responsible for maintaining the damaged cemetery.

Unregistered burial and cremation ground

There had been queries on how to register burial and cremation sites. It was noted that, for registration of any burial site under the Burial and Cremation Act, the person needs to submit land document, the constitution for the Committee and the Committee composition. These documents will then be submitted to the respective Health office, which will then be forwarded to headquarters for official gazetting.

There were also queries on processes to demarcate boundaries of burial site given that many burial and crematorium have been entertained outside of a community. It was noted that since the boundary was managed by the Committee and it was still unregistered, the constitution of the burial Committee shall be held as governing document. Therefore, the Committee has the sole discretion to decide to entertain any burial of human remains from outside of its recommended boundary.

A copy of the oral and written submission can be obtained from the online Appendices of the Report, which can be accessed via the Parliament website: www.parliament.gov.fj

3.6 Sustainable Development Goals Impact Analysis

Consideration was placed on the SDG 5 which focuses on gender equality and empower all women and girls¹.

SDG 5.1.1 “Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”.

In this regard, the Committee following its review of the Bill, fulfilled its obligation as prescribed under Section 110(2) of the Standing Orders of Parliament.

3.7 Outcome of Review

The pertinent issues identified during the review were discussed at length by the Members of the Committee and considered with the assistance of the drafting team, so as to ensure that all these relevant issues were appropriately addressed. The following key provisions were amended as follows.

1. **Clause 2 “Definition”:** Clause 2 is amended by deleting ‘permanent secretary’.

Rationale: The Committee had noted that the definition of the Permanent Secretary was deemed invalid, on the basis that the position had no statutory role under the Act. Accordingly, any reference to the Permanent Secretary within the legislative text was without effect and carried no legal consequence.

2. (i). **Clause 8 “Offences”:** Clause 8 is amended by inserting the following sub-clause to be read as follows-

“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.”.

Rationale:

The Committee observed that some offences prescribed under Clause 8 do not require conviction. In this regard, the Committee recommends that appropriate alternatives be provided to allow the courts discretion in determining suitable measures.

¹ [THE 17 GOALS | Sustainable Development \(un.org\)](https://un.org/sustainabledevelopment)

5.1 RECOMMENDATION

The Committee would like to make a few specific recommendations for the successful implementation of the Bill.

1. The Committee noted that the current provisions of the Ministry of iTaukei Affairs Act do not adequately address the regulation, documentation, and oversight of village burial grounds, including their boundaries and settings.

The Committee recommends that the Ministry of iTaukei Affairs undertake a comprehensive revision of its governing Act to incorporate clear provisions on the management of village burial grounds. In addition, the Ministry should conduct a full audit of all burial ground boundaries and settings across Fiji to ensure proper demarcation, record-keeping, and compliance with cultural and legal requirements.

2. The Committee notes that a significant number of burial grounds across Fiji remain unregistered, resulting in gaps in oversight, regulation, and public awareness.

The Committee recommends that the Ministry of Health take proactive measures to raise awareness and ensure that all burial grounds in Fiji are duly registered under the applicable regulations.

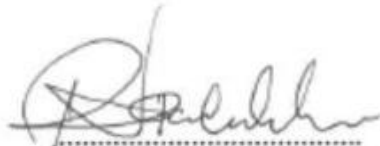
5.2 CONCLUSION

As highlighted above in its deliberations, the Committee has conducted extensive public consultations and consulted independent legal experts in the Solicitor-General's Office for the purpose of improving the current draft Bill.

At the conclusion of the review, the Committee believes that the proposed amendments are adequate for achieving the objectives of the **Burial and Cremation Bill 2025**.

The Committee through this report commends the *Burial and Cremation Bill (Bill No. 30 of 2025)* to the Parliament.

MEMBERS SIGNATURE



.....
Hon. Ratu Rakuita Vakalalabure
(Chairperson)



.....
Hon. Faiyaz Koya
(Deputy Chairperson)



.....
Hon. Jone Usamate
(Member)



.....
Hon. Ratu Isikeli
Tuiwailevu
(Member)



.....
Hon. Sachida Nand
(Member)



.....
Hon. Josia Niudamu
(Member)