



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Quarantine (Amendment) Bill (Bill No. 31 of 2025)



PARLIAMENT OF THE REPUBLIC OF FIJI
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CHAIRPERSON'S FOREWORD



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

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 Quarantine (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide for updated policy and regulatory changes. These changes includes;

- modernising penalties;
- clarifying roles and responsibilities; and
- expanding definitions to include new types of vessels.
- strengthening the legal framework for managing infectious diseases in Fiji.

The Quarantine Act 1964 has been amended on several occasions to reflect Fiji’s changing constitutional and public health landscape. Following independence, the Constitution (Statutory Amendments) Order of 8 October 1970 realigned the Act with the new constitutional structure established on 10 October 1970. Decades later, the Quarantine Amendment Decree No. 54 of 2010, enacted on 15 September 2010, introduced significant updates to enforcement provisions and financial accountability measures in response to increasing international travel and trade. This amendment also ensured timely payment for quarantine services and established a \$500 fine for non-compliance by vessels and aircraft, thereby strengthening Fiji’s capacity to safeguard against infectious disease threats.

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 **Quarantine Amendment Bill (Bill No. 31 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

Committee contact details

Address: Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Parliament Complex
Government Buildings
SUVA, FIJI

Phone: +679 322 5600/ +679 8925 221

Web: <https://www.parliament.gov.fj/committees/standing-committee-on-justice-law-human-rights/>

1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the Quarantine 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 Quarantine 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 1964 Act.

The Committee carefully examined the Bill by reading through its clauses and deliberating on their implications. Following this review, the Committee invited the responsible Ministry to provide a briefing on the intention behind the proposed changes. To ensure transparency and inclusiveness, the Committee then sought submissions from the public and other interested stakeholders, placing advertisements through Parliament's social media platforms to encourage participation.

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 QUARANTINE BILL (BILL NO. 31 of 2025)

2.1 Introduction

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.

The Quarantine (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide for updated policy and regulatory changes to improve public health enforcement. The Bill has a significant change that has expanded the definition of ‘ship’ to include ‘yacht’ and ‘superyacht’ which has interest in visiting Fiji’s remote and exotic destinations as cruising grounds. These vessels will be subject to the same quarantine protocols as commercial ships and aircraft which means that Health and Safety regulations can be enforced more consistently across all maritime arrivals.

To comply with quarantine regulations, the master of a ship or aircraft, or their agent, must not provide false or withheld information to quarantine officers, must follow lawful orders under the Act, and must not assault, resist, or bribe quarantine officers. Failure to comply may result in a fixed penalty notice of \$1000. If unpaid within the specified period, the person is guilty of an offence and may face a fine up to \$1000, imprisonment up to 6 months, or both.

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 by reading through it clause by clause. From this initial review, the Committee observed that the Bill seeks to modernise the Quarantine Act 1964 in order to strengthen measures for preventing the spread of infectious diseases, align Fiji’s legislative framework with contemporary international standards such as the International Health Regulations 2005, and update the penalties and enforcement mechanisms to ensure greater effectiveness.

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 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.

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.

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.

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.

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.

3.3 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 1964, and the Quarantine Bill 2025. The main issues noted from these discussions are as follows:

Summary of key aspect of the Act and the Bill

Category	Quarantine Act 1964	Quarantine Amendment Bill 2025
Purpose	Prevent introduction/spread of diseases via ships and aircraft	Modernises quarantine laws to reflect current health threats.
Authority	Minister appoints officers; Permanent Secretary is 'Authority'.	Permanent Secretary has appointment powers.
Definitions	Limited to ships, aircraft and quarantine stations.	Expanded to include yachts, superyachts, updated roles.
Penalty Structure	Fines: \$50-\$100; imprisonment up to 6 months.	Fixed penalties: \$500-\$1,000; higher fines for corporations.
Enforcement Mechanism	Criminal prosecution only.	Fixed penalty notices; criminal action if unpaid.
Scope of Coverage	Focused on traditional vessel and ports.	Includes luxury vessels and modern travel modes.
Administrative clarity	Roles not clearly aligned with modern governance.	Clearer roles for definitions for Minister and Permanent Secretary.
Legal modernisation	Based on mid-20 th century public health context.	Reflects global travel, disease surveillance, and enforcement.

Previous amendments to the Act

Amending legislation	Quarantine Act 1964	Purpose
Constitution (Statutory Amendments) Order 1970	8 October 1970	Realignment of Fiji's law to the new constitutional structure following independence on 10 October 1970.
Quarantine Amendment Decree 2010 (No. 54 of 2010)	15 September 2010	<ul style="list-style-type: none">• Update enforcement and ensure timely payment for quarantine services in the context of increasing international travel and trade;• focused mainly on financial accountability and enforcement;• Introduction of \$500 fine for non-compliance of vessel and aircraft.

Other related legislation

The Quarantine Act 1964 is complemented by the Biosecurity Act 2008. While the Quarantine Act focuses on public health quarantine (infectious diseases affecting humans), the Biosecurity Act covers agricultural and environmental biosecurity including pets, invasive species, and trade-related risks.

Principle Act	Amendment Bill	Status of Proposed Amendments
F I N D I N G S		
ROLES		
Minister	Permanent Secretary	Comments
Mentioning of roles: (s.3-1)(s.4-1)(s.5-1)(s.6-1)= 4	Mentioning of roles: (s.3-1) (s.5-3)(s.6-2)(s.9-4) =10	Amendment – Minister (3) ; PS (11) <i>It was noted that even though there is more responsibility for PS, the Minister still has full authority on the operation of the Act.</i>
DRAFTING		
Clause 7 (2) new clause	any person convicted under the offence under this Act for which no special penalty is provided is liable in the case of the 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 to imprisonment not exceeding 3 months and in the case of a second or subsequent conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 6 months or both.	What other offence does this reflect apart from the offence specified in s.7 to have a provision for first offence given that s.7(1) 'Commits an offence and liable on the issue of a fixed penalty notice, to pay a fixed penalty of \$1000'. Penalizes anyone regardless that he or she is a first offender.
Section 9(3)	Any sum of money owed to the Authority as in subsection (2) must be paid by the respective agents of the vessels or the aircraft within 31 days. A failure by the agents to pay within the required time will incur a fine of \$500 \$1000.	Does this refer to the Quarantine Authority? If it is, suggest amending to state full title for consistency.
Clause 9(4) new clause	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 –	What does agent refer to? If it refers to a body other than person, than it should be defined. Otherwise then amend to 'person'.
Clause 9(4) new clause		The Committee raised a key concern that offences such as "refusing to answer" quarantine officers may conflict with the constitutional right to

		<p>silence, prompting questions about how to balance individual rights with public health obligations during a pandemic.</p> <p>The Committee identified the absence of a transparent and clear process for appealing against decisions or penalties imposed under the act.</p>
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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.

Legislative framework

A submittee highlighted that quarantine remains a matter of concern for all nations, particularly with respect to vessels such as boats, ships, and yachts arriving from overseas. These points of entry have the potential to introduce infectious diseases, animals, and other risks that pose significant threats to public health and biosecurity. In light of these concerns, a recommendation was presented to the Committee highlighting the need for stronger legislative provisions to ensure effective control and monitoring of maritime arrivals.

Bureaucracy

From the perspective of the yachting industry, it was noted from the submittee that dealing with health requirements was considered overly bureaucratic. It was highlighted that in some countries, health and biosecurity functions were combined, thereby reducing manpower and streamlining processes. A suggestion was made for Fiji to consider adopting a similar approach, noting that this was not a radical proposal. For example, in New Zealand, a single officer is trained to manage health, biosecurity, immigration, and customs responsibilities. It was emphasized that such an integrated system is not beyond Fiji's reach and could improve efficiency while maintaining strong border protections.

A submission highlighted that the health authority's questions during boarding checks were outdated, noting that they still referred to smallpox, a disease that has long been eradicated. It was suggested that the health declaration form be modernised so that it can be adapted to address COVID-19 and other future diseases. The submittee further pointed out that a document known as the inward C2-C¹, which is accessible to all border agencies, already contains health questions. However, upon the arrival of a vessel, health officers continue to issue a separate paper asking the same questions, resulting in unnecessary duplication. It was therefore recommended that this duplication be removed and that a single document, accessible to all agencies, should suffice.

Sufferance

A submission highlighted the issue of sufferance, which refers to the clearance of a vessel outside a designated clearance port. It was noted that in the superyacht industry such requests are often received, yet the fees charged for sufferance have varied considerably. The submittee welcomed the clarification provided by representative from the Ministry of Health that these fees are currently being updated, viewing this as a positive step toward consistency and fairness in the application of quarantine procedures.

It was also emphasized that *border security, revenue generation, and tourism promotion* must all be considered when determining government fees, rather than focusing on only one objective. It was noted that previous fee structures were erratic, with charges of up to FJD \$1,000 for clearing a small yacht or rally. Yacht rallies were described as significant revenue generators that were easy to monitor from the perspective of all agencies, yet the imposition of such high fees effectively discouraged them. The submittee further highlighted those concessions previously granted had been cancelled without clear explanation, and that for the past two years the industry had been engaged in ongoing discussions with health authorities regarding these charges. It was expressed that the matter is now being addressed, with the expectation that a copy of the revised fees will be made available for industry consultation before they are legislated.

A submission highlighted challenges with the current process for sufferance applications, or out-of-port clearance requests for superyachts. It was explained that in earlier practice, Customs would take the lead by coordinating with Immigration, Biosecurity, and Health, seeking their agreement before granting clearance. Typically, the other agencies would follow Customs' lead, and clearance would proceed smoothly. However, under the present system, each Ministry is approached individually, resulting in inconsistent responses and varying reasons as to why clearance can or cannot be granted. The submittee noted that this fragmented approach has made operations increasingly difficult and called for a more streamlined, coordinated process to improve efficiency and certainty for the industry.

The submittee further expressed the importance of focusing on revenue generation and tourism promotion in the context of quarantine and clearance procedures. It was highlighted that superyachts represent the highest spending per capita tourists globally,

¹ [Advance-Notice-of-Arrival-ANA-Form-updated-25.pdf](#)

contributing millions of dollars annually to Fiji's economy. Their presence has already spurred significant investments, including the \$60 million development of a new marina in Savusavu and the expansion of Port Denarau Marina. The submittee emphasized that Fiji must cater to this sector and present itself positively, as every superyacht visitor is a potential investor in the country. It was further noted that facilitating requests for sufferance, even when they involve unusual requirements, does not impose additional costs on the nation since fees are already in place to cover such services. The submission concluded that the issue lies not in financial burden but in the willingness to go the extra mile to support and encourage this high-value tourism market.

Registered Ports of Entry

The Committee noted from a submission that the Bill and its accompanying regulations failed to recognise Port Denarau and Savusavu as designated clearance ports.

A question was raised as to whether Savusavu could be gazetted and declared a port of entry to Fiji, similar to Port Denarau. The Committee noted from a submission that the Bill and its accompanying regulations failed to recognise Port Denarau and Savusavu as designated clearance ports.

In response, the representative from the Ministry of Health clarified that the matter is not addressed in the Act itself but will be provided for in the regulations. The Ministry has proposed to include both Denarau and Savusavu Ports as designated ports of entry once the Act is approved. At present, Denarau Port is not gazetted as a port of entry under quarantine, but work is underway to formalize its inclusion along with Savusavu.

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 girls².

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.

² [THE 17 GOALS | Sustainable Development \(un.org\)](https://www.un.org/sustainabledevelopment/)

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 4(a)** - delete “*shall be guilty of*” and substitute with “*commits*”;
2. **Clause 4(a)** - delete “*shall be*” and substitute with “*is*”;
3. **Clause 4(b)** - delete “*is guilty of*” and substitute with “*commits*”; and
4. **Clause 4(b)** - after “*and*” insert “*is*”.

Rationale: Clause 4 is to be amended in accordance with the stylistic changes proposed by the legal drafters.

5. **Clause 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”

Rationale: The Committee resolved to insert the full position of the ‘*Quarantine Authority*’ so as to ensure consistency with its defined role under the Act.

5.1 RECOMMENDATION

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

1. The Committee recommends that government fees be determined with balanced consideration of border security, revenue generation, and tourism promotion, rather than focusing on a single objective. In light of past inconsistencies in fee structures, including charges of up to FJD \$1,000 for small yacht clearances, it is further recommended that revised fees be set at levels that encourage yacht rallies and other tourism-related activities, which have proven to be significant and easily monitored revenue sources. The Committee also recommends that any concessions or changes be clearly explained by the Ministry responsible, and that the revised fee schedule be circulated to stakeholders for consultation after the enactment.
2. It was noted that the health declaration process is outdated, continuing to reference eradicated diseases such as smallpox, and that duplication exists between the inward C2-C document (FRCS) and the separate form issued by health officers. This duplication creates inefficiency and unnecessary burden for stakeholders. The Committee recommends that the health declaration form be modernised to reflect current and future diseases, and that duplication be eliminated by adopting a single document such as the inward C2-C that is accessible to all agencies. Such a measure

will not discourage yachties from visiting Fiji, while ensuring that necessary and effective health and border security requirements remain in place.


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 **Quarantine Bill 2025**.

The Committee through this report commends the *Quarantine Bill (Bill No. 31 of 2025)* to the Parliament.

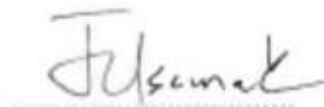
MEMBERS SIGNATURE



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Hon. Ratu Rakuita Vakalalabure
(Chairperson)



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Hon. Faiyaz Koya
(Deputy Chairperson)



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Hon. Jone Usamate
(Member)



.....
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Tuiwailevu
(Member)



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



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Hon. Josaia Niudamu
(Member)