



## **STANDING COMMITTEE ON ECONOMIC AFFAIRS**

# **REVIEW REPORT ON THE CREDIT UNION BILL 2025 (BILL NO. 29 OF 2025)**



**PARLIAMENT OF THE REPUBLIC OF FIJI**  
**Parliamentary Paper No. 115 of 2025**

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## Acronyms

CU	Credit Union
FPSCU	Fiji Public Service Credit Union
FSCUL	Fiji Savings & Credit Union League
RBF	Reserve Bank of Fiji
SDGs	Sustainable Development Goals
SO	Standing Order
SWCU	Service Worker Credit Union

## Chair's Foreword

I hereby submit to Parliament the Standing Committee on Economic Affairs ('the Committee') review report on the Credit Union Bill 2025 (Bill No. 29 of 2025) ('the Bill'). This report presents the findings of the Committee's review process and outlines the recommended revisions to the Bill by including a legislative framework that safeguards public confidence in Fiji's credit unions by strengthening the overall stability of the financial system.

Credit unions have operated in Fiji for more than half a century; however, their growth has been relatively slow, primarily due to a legal framework that has not evolved in line with the development of the credit union movement, both domestically and internationally. Consequently, a reform initiative was introduced to enhance the regulatory regime, with the aim of strengthening the safety and soundness of credit unions while carefully balancing the need to avoid imposing undue regulatory burdens.

During its deliberations, the Committee received several requests from credit unions for an extension of time to prepare their written submissions, allowing them to provide thorough and informed feedback on the Bill. It was also brought to the Committee's attention that the version of the Bill presented during the Reserve Bank of Fiji's consultation with credit unions differed from the version referred to the Committee. As a result, the Committee granted additional time to ensure that all credit unions were afforded a fair opportunity to present their views on the Bill.

The Committee observed that the Bill proposes to subject credit unions to income tax, notwithstanding that their commercial activities are already taxed. The Committee recommends that the Bill be reviewed to prevent instances of double taxation and to ensure fairness and consistency in the treatment of entities within the financial sector.

The Committee noted the concern raised by the credit unions regarding the potential for excessive regulatory oversight and micro-management under the proposed provisions of the Bill.

The Committee observed that the Bill does not adequately address the specific needs of smaller credit unions compared to the larger ones, as this may have unequal implications due to their differing capacities and financial strengths.

To promote transparency and inclusivity, the Committee invited all relevant registered Credit Unions to provide both oral and written submissions on the matter. Public notices were published in the *Fiji Sun* on 13 September 2025 and disseminated through the official Parliament website. Additionally, the schedule for public consultations and the procedures for oral and written submissions were shared via Parliament's official Facebook page and local newspapers to ensure

wider public awareness and participation. Moreover, invitation letters were sent to relevant Credit Unions, Government departments, statutory bodies, workers union, school heads and management and business stakeholders, inviting them to contribute their views on the Bill.

The Committee conducted extensive public consultations across various locations. The insights gathered from these consultations were meticulously analysed and incorporated into this report.

I extend my sincere appreciation to the Governor of the Reserve Bank of Fiji and the team, Credit Unions, members of various Unions also the Solicitor-General and the team in their timely assistance during the scrutiny of the Bill. I also would acknowledge all stakeholders who actively participated in this consultation process. Their valuable contributions have played a crucial role in shaping this bipartisan report and informing them of the necessary amendments to the Bill.

I would also like to express my gratitude to the Honourable Members of the Standing Committee for their dedication and contributions to the production of this report. I acknowledge my Committee colleagues. I also thank the secretariat for their invaluable support.

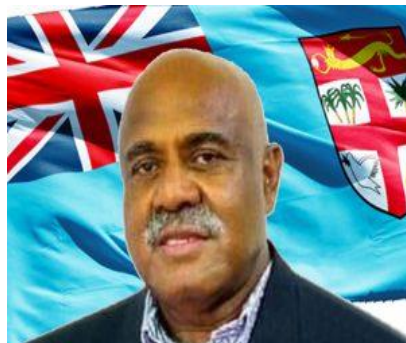
On behalf of the Standing Committee on Economic Affairs, I commend this Review Report on the Credit Union Bill 2025 to Parliament and request all members of this august House to take note of the report.



.....  
**Hon. Sakiusa Tubuna**  
**Chairperson**

## 1.0 Committee Remit and Composition

The substantive members of the Standing Committee on Economic Affairs are:



Hon. Sakiusa Tubuna  
**Chairperson**



Hon. Premila Kumar  
**Deputy Chairperson**



Hon. Semi Koroilavesau  
**Member**



Hon. Kalaveti Ravu  
**Member**



Hon. Shalen Kumar  
**Member**



Hon. Alipate Tuicolo  
**Member**

## 1.1 Committee Secretariat

Supporting the Committee in its work is a group of 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).

- Ms. Awantika Raj – Deputy Committee Clerk

### **Committee contact details:**

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## **2.0 Background Information**

The credit union movement in Fiji has a long and significant history, with the first registered credit union, Batiri Credit Union established on 20 December 1955. Over the years the movement grew rapidly, with 288 credit unions operating by 1969 and a total of 448 registered with the registrar of credit unions. However, despite this early growth, the number of active credit unions have gradually declined from around 180 in the early 1990's to approximately 17 operating today.

The Credit Union Bill 2025 is anticipated to substantially strengthen the role of credit unions within Fiji's financial sector. The Bill seeks to repeal and replace the Credit Unions Act 1954 (the Act') and is structured into 14 Parts comprising 172 clauses. As the Registrar of Credit Unions, the Reserve Bank has administrative powers and responsibilities relating to registration, licensing, regulation, supervision, and enforcement.



### 3.0 Introduction

On 6 August 2025, the Bill was referred to the Standing Committee on Economic Affairs (Committee) for review. This referral was made in accordance with Standing Order 51(2), which mandates the Committee to examine the proposed Bill, undertake public consultations with relevant stakeholders, and report on its findings.

In exercising its mandate, the Committee began its review on 11 August 2025. The Members undertook a thorough review of the Bill in their own time then engaged in collective discussions to share perspectives and identify key areas for improvement. Each Member was assigned equal sections of the Bill to propose amendments.

The Committee proceeded with the detailed clause by clause examination of the Bill. Despite time constraints, Members committed additional hours to ensure a comprehensive and balanced review was completed which was followed by discussions that required further clarification from the Governor of the Reserve Bank of Fiji and his team.

Before conducting nationwide public consultations, the Committee held hearings with key stakeholders, including Fiji Public Service Credit Union, Service Worker Credit Union, Fijian Teachers Association Credit Union, Fiji Teachers Union Credit Union, Fiji Police Force Credit Union, Fiji National University Credit Union, Fiji International Telecommunications Pte Limited Credit Union and Fiji Savings & Credit Union League to gather preliminary insights and identify potential concerns.

Public consultations were conducted in the following locations:

- **4 September 2025:** Suva (Central Division)
- **5 September 2025:** Nausori (Central Division)
- **15 September 2025:** Savusavu (Northern Division)
- **16 September 2025:** Labasa (Northern Division)
- **17 September 2025:** Sigatoka, Air Terminal Service Credit Union, Fiji Airways Credit Union, Nadi and Lautoka (Western Division)
- **18 September 2025:** Ba and Tavua (Western Division)
- **19 September 2025:** Rakiraki (Western Division)

The public consultations were vital in ensuring that the views of all stakeholders, including credit unions, members, and the general public, were heard and incorporated into the Committee's deliberations.

## **Stakeholder Engagement**

Institutions that made oral and written public submissions to the Bill included:

- Fiji Public Service Credit Union, Service
- Worker Credit Union
- Fijian Teachers Association Credit Union
- Fiji Teachers Union Credit Union
- Fiji Police Force Credit Union
- Fiji National University Credit Union
- Fiji International Telecommunications Pte Limited Credit Union and;
- Fiji Savings & Credit Union League

Additionally, the Committee conducted site consultation with two (2) credit unions in the Western Division, including:

- Air Terminal Services Credit Union.
- Fiji Airways Credit Union

On 25 September, the Committee met with the Reserve Bank Governor and his team to discuss the substantive findings from the public consultations and the written submissions, including the Committee's own findings by reading the draft bill.

On the 26 September, the Committee met with officials from the Solicitor General's Office to discuss the timeline to make further amendments to the bill based on the Committee's findings.

The Committee finally met with the legislative drafters from the Office of the Solicitor-General and the officials from the Reserve Bank on 13 October 2025 to review the bill by going through clause by clause to finalise the drafting instructions.

## 4.0 Analysis of Evidence Received

Several key issues were highlighted during the Committee's scrutiny of the Bill.

The issues raised were as follows:

1. The definition of *Immediate Family* within the Bill lacked clarity which required further amendments to ensure consistent interpretation and application.
2. The changes to the definition for *Supervisory Agency* was necessary, as highlighted by the credit unions to provide clarity who the supervisory agency was in Fiji and not to confuse stakeholders by referring to an international supervisory agency.
3. Section 162 did not provide dispute resolution mechanism responsible for resolving disputes between members and credit unions. Reference had to be made in the Bill so that regulations can be developed on the dispute resolution mechanism.
4. The Bill should provide greater clarity on the status of membership on retirement or termination of their employment.
5. The Bill appears to grant RBF extensive involvement in decisions that should be made by the credit unions.
6. The Bill requires credit unions to provide notice when relocating their principal place of business. This provision may be unnecessary and could be reconsidered to reduce administrative burden on credit unions.
7. The penalties prescribed in Section 156-161 are considered disproportionately severe.
8. The Bill proposes subjecting credit unions to income tax, despite their commercial activities already being taxed. The Bill must avoid double taxation and ensure equitable treatment within the financial sector.
9. Concerns were raised on unauthorised deductions made by credit unions for attending Annual General Meetings.
10. Concerns were raised regarding members leaving the credit union to join another credit union to avoid paying the outstanding loans. This has resulted in high loan delinquency.

11. Section 10(1) allows less than 30 members to register a new credit union. The concern raised was that even 2 individuals can register a credit union which is not financially viable.
12. The dormancy period for accounts be reduced from 5 years to 3 years in Section 56. This adjustment would decrease the administrative costs associated with maintaining inactive accounts.
13. The income of credit unions be exempted from income tax in Section 54, in recognition of their cooperative nature and to avoid double taxation on their commercial activities.

## 4.1 Amendment to the Bill

The following section sets out the final amendments which the Committee has agreed in consultation with the Office of the Solicitor-General's and the Reserve Bank of Fiji. A revised copy of the Bill, which incorporates these changes, is table with this report.

### Amendment 1

**Committee recommendation:** Page 7 Clause 1 (2) - Clause 1 - (2) This Act comes into force on a date or dates appointed by the Minister ~~by-through~~ notice published in the Gazette.

**Justification:** to avoid repetition of the word “BY”.

### Amendment 2

**Committee recommendation:** Page 8 - Common bond of membership means a ~~common~~ shared interest ~~or connections among that forms the~~ members, ~~hip which is~~ primarily based on occupation, association or residence ~~that forms the basis for eligibility to join a credit union.~~

**Justification:** Changes make the definition clearer and more precise in expressing that the bond is what determines membership eligibility.

### Amendment 3

**Committee recommendation:** Page 8 – “co-operative” means a co-operative registered under the Co-operatives Act 1996 ~~and that~~ carries out credit union business.

**Justification:** The revised wording flows naturally and avoids redundancy. The word “that” alone is sufficient to connect the qualifying clause.

### Amendment 4

**Committee recommendation:** Page 8 - “deposit” means a savings balance held by a credit union and owned by a member, which constitutes a liability owed by the credit union to that ~~particular~~ member.

**Justification:** Deleting an unnecessary word.

### Amendment 5

**Committee recommendation: Page 8** - “Field of membership” ~~means~~, in relation to a credit union, ~~means~~ persons ~~that~~ who share the common bond of membership of that credit union.

**Justification:** The revised version repositions “**means**” for better reading, and the use of “**who**” is grammatically correct.

#### **Amendment 6**

**Committee recommendation: Page 8** - “immediate family” ~~is the relation to~~ means persons related to a member by ~~the~~ first degree of consanguinity ~~and or~~ affinity ~~to a member of the family, that is,~~ including ~~the~~ spouse, parents, ~~siblings~~ or children ~~of a member, whether related by blood, or adoption, of the member or previous marriage.~~

**Justification:** The changes reflect typical family relationships relevant to members who have blended families, providing clearer guidance. Also to maintain use of subject matter in the singular form- this can be interpreted to mean one or more.

#### **Amendment 7**

**Committee recommendation: Page 8** – “licensing” means ~~to license a~~ the process of ~~granting a licence to~~ a credit union under this Act to conduct credit union business.

**Justification:** It reads more smoothly.

#### **Amendment 8**

**Committee recommendation: Page 8** - “Membership share” means a share of a credit union subscribed ~~to~~ and paid for by a member of the credit union ~~and having subject to~~ the terms and conditions as specified in the credit union’s standard by-laws and supplementary by-laws.

**Justification:** The revised definition improves clarity and readability without altering the original meaning.

#### **Amendment 9**

**Committee recommendation: Page 8** - “Net income” means the amount of money ~~a~~ remaining ~~with~~ a credit union ~~has left over~~ ~~remaining~~ after subtracting all ~~of~~ its expenses from its total revenue over a specific period.

**Justification:** The revised definition improves clarity and reads better.

#### **Amendment 10**

**Committee recommendation:** Page 9 - “organisation” means ~~a any legal entity including a corporation, partnership, association, or limited liability company, or any other legal entity.~~

**Justification:** To improve readability without changing the meaning.

#### **Amendment 11**

**Committee recommendation:** Page 9 - “organiser” means any person who assists in organising ~~at least 30 or so~~ individuals to apply for a credit union licence under section 10 to carry on credit union business.

**Justification:** The phrase “or so” is imprecise and informal, which creates ambiguity in a legal or regulatory definition. Replacing it with “at least” provides a clear minimum threshold of 30 or more individuals, removes ambiguity.

#### **Amendment 12**

**Committee recommendation:** Page 9 - “qualifying share” means a non-refundable share, equivalent ~~to a~~ in value ~~of to~~ one fully paid membership share, which a person applying ~~to be a member of a~~ for credit union ~~membership~~ is required to pay and which is retained by the credit union in its capital-account for operational management purposes.

**Justification:** The revised definition improves clarity and reads better.

#### **Amendment 13**

**Committee recommendation:** Page 9 - “related member” means a member ~~that bears any connected to another member by~~ any of the following relationships: ~~to each other~~

(a) immediate family;

(b) shared ownership, substantial investment, or other ~~substantial~~ significant financial interest in the same business enterprise; or

(c) a business enterprise in which a member has ~~a-substantial interests or control as~~ described above if that enterprise ~~is~~ itself ~~is~~ a member.

**Justification:**

The revised definition improves clarity and reads better.

#### **Amendment 14**

**Committee recommendation:** Page 9 - “Unsafe or unsound practice” means any ~~action~~ or inaction in the operation of a credit union that is contrary to generally accepted standards

of prudent operation, the likely consequences of which, if continued, would ~~pose~~ be a material risk of loss or ~~danger~~ harm to ~~the~~ credit union's, its members, or any organisation insuring or guaranteeing the credit union's shares and deposits related guarantors.

**Justification:** To simplify the sentence.

#### **Amendment 15**

**Committee recommendation:** Page 9 – Clause (3) The objective of this Act is to promote a sound financial system through the regulation, registration and supervision of credit unions in Fiji

**Justification:** Including “in Fiji” prevents any misinterpretation that the Act could extend to cross-border or international activities.

#### **Amendment 15**

**Committee recommendation:** Page 9 – Clause 4(2) - The Reserve Bank must discharge its functions in a way that is compatible with the objective of this Act and ~~shall that the Reserve Bank~~ considers the most appropriate action for the purpose of ~~achieving the rose meeting the its~~ objective.

**Justification:** Simplifying and removing repetitive words.

#### **Amendment 15**

**Committee recommendation:** Page 10 – Clause 4(3) - 4(3).The RBF will facilitate all disputes arising from the industry as per its powers under Section 94 of the Credit Union Bill.

5. The Reserve Bank may, negotiate, contract or enter into ~~an~~ agreements for professional services, in accordance with applicable procurement requirements.

**Justification:** A new clause was added as there was a lack of clarity regarding who is responsible for resolving disputes between members and officials of credit unions, as well as disputes among members themselves.

#### **Amendment 16**

**Committee recommendation:** Page 10 – Clause 6(2) The Reserve Bank must ~~have regard to consider~~ any anticipated cost ~~of the Reserve Bank~~ † associated with the performance of any function assigned to it-under this Act.



**Clause 6(3)** - The **prescribed** fees payable under this section must be paid upon the grant of the licence or registration, and thereafter on an annual basis.

**Justification:** To simplify the sentence for better reading and to remove repetitive words.

#### **Amendment 17**

**Committee recommendation:** **Page 10 Clause 7(1)** The Reserve Bank must prepare an annual report detailing its activities **and outcome** for the preceding year, including—

(d) the outlook for the credit union sector and **notable developments or innovations within the credit union industry; and**

**New 7(2) The Annual Report must be submitted to the Minister within 3 months after the Reserve Bank's financial year.**

8. The Reserve Bank must—

(c) provide assistance and advice as necessary to assist ~~officers and members of~~ the Credit Union League in due observance of, and compliance with, this Act.

**Justification:** To enhance the accountability of the Reserve Bank of Fiji in achieving specific outcomes during the reporting year, rather than with greater emphasis on its key activities.

#### **Amendment 18**

**Committee recommendation:** **Page 10 - Exclusion from liability** - 9. Neither the Reserve Bank nor any director, officer or employee of the Reserve Bank, nor **any** person authorised to assist the Reserve Bank under section 5 **nor** any person acting as a director or employee of the Reserve Bank is liable in any manner whatsoever for anything done or omitted to be done in good faith in the discharge or purported discharge of the functions and duties of the Reserve Bank under this Act.

**Justification:** The revision was necessary to improve grammatical accuracy and readability.

#### **Amendment 19**

**Committee recommendation:** **Page 11 – Clause 10 2(c)** have subscribed for a qualifying share **equivalent to ₦** at least 10 membership shares; and

(3) The applicants or organisers must ~~file submit with~~ to the Reserve Bank ~~an~~ **completed** application in a form approved by the Reserve Bank accompanied with a prescribed fee.

**Justification:** To simplify the sentence for better clarity.

## Amendment 20

**Committee recommendation:** Page 11 – 10 (4)(d) a business plan covering 3 years **must include financial projections** and provide~~ing~~ a detailed explanation of actions intended to accomplish the primary functions of the credit union; and

10 (4)(e) ~~such other~~ **any additional** information as the Reserve Bank may prescribe, consistent with achieving the objective of this Act.

**Justification:** The change aims to make the business plan more meaningful and comprehensive by requiring the inclusion of financial projections and for better readability.

## Amendment 21

**Committee recommendation:** Page 11 – 11.—(1) ~~Less~~ **More** than ~~30~~ **20** individuals with the intention to carry on credit union business must obtain registration from the Reserve Bank.

**Justification:** The provision is intended to prevent existing members from establishing a new credit union in response to grievances, as permitting fewer than 30 members could result in situations where only two individuals form a separate credit union out of discontent.

## Amendment 22

**Committee recommendation:** Page 12 - 11 (2)(c) have subscribed for a qualifying share ~~of~~ **equivalent to** at least 10 membership shares; and

**Justification:** To simplify the sentence.

## Amendment 23

**Committee recommendation:** Page 12 - 11 (3) The applicants must ~~file with~~ submit a completed application in a form approved by the Reserve Bank ~~an application in a form approved by the Reserve Bank~~ accompanied by a prescribed fee.

**Justification:** To simplify the sentence and remove unnecessary words that made it awkward to read.

## Amendment 24

**Committee recommendation:** Page 12 - 11(4)(c) a business plan covering 3 years **must include financial projections** and provide~~ing~~ a detailed explanation of actions intended to accomplish the primary functions of the credit union; and

11(4)(d) ~~such~~ any other information as the Reserve Bank may require, consistent with achieving the objective of this Act.

**Justification:** The change aims to make the business plan more meaningful and comprehensive by requiring the inclusion of financial projections and for better readability.

#### **Amendment 25**

**Committee recommendation:** Page 12 - 11 (6) The Reserve Bank may determine that a registered credit union be licensed by giving due consideration to the size of its membership and deposits size.

**Justification:** Simplifying the sentence by rearranging words.

#### **Amendment 26**

**Committee recommendation:** Clause 13 (1). No credit union is to be licensed or registered under this Act unless ~~it is considered if the Reserve Bank assesses it to be to be~~ economically viable in the long-term ~~by the Reserve Bank on the basis of~~ based on the following criteria:

- (a) the level of demand anticipated for the proposed credit union services.
  - (b) the projected asset base and financial strength of the credit union;
  - (c) the size of the membership base size and potential for growth ~~potential~~ of the credit union;
- and

13(2) An application for a license or registration must be accompanied with the relevant documentation as may be required by the Reserve Bank under subsection (1).

**Justification:** Removal of unnecessary words for better clarity and easy reading. It ensures that applications are assessed based on verifiable information rather than assumptions or projections without supporting documentation.

#### **Amendment 27**

**Committee recommendation:** Clause (4) The supplementary by-laws made under subsection (3) may amend or repeal the standard by-laws, ~~on the subject to the prior written~~ approval of the Reserve Bank.

(5) A supplementary by-law may only be ~~used enforced or applied~~ by a credit union on the approval of the Reserve Bank.

**Justification:** To remove unnecessary words. Simplifying the sentence for better reading.

#### **Amendment 28**

**Committee recommendation: Clause (15) (2)** The name of a credit union must include the words “Credit Union” or the abbreviation “CU” and an appropriate descriptive word or words, or an acronym made up of initials of the appropriate descriptive word or words ~~and~~ ending in “CU”.

(3) Unless a credit union is formed by merger or consolidation, the Reserve Bank may not issue a licence to the credit union or approve the change of the name of the credit union if ~~such name is identical or -would have the same name as another credit union or a name~~ nearly resembling the name of another credit union ~~in a manner likely-as~~ to cause confusion-or ~~be calculated~~ to deceive.

**Justification:** Removal of unnecessary words while maintaining the meaning.

#### **Amendment 29**

**Committee recommendation: Clause (15) New 5 – RBF may require change in name if the name**

- a) falsely implies affiliation, sponsorship or endorsement without authorisation.
- c) suggest unauthorised or nonexistence financial products or services.

~~(56)~~ A person who contravenes this section commits an offence and is liable to a fine not exceeding \$3,000 for each day ~~during which that the contravention continues.~~

**Justification:** To provide clarity and consistency to the regulator as well as to the credit union. It removes any ambiguity about the criteria for naming a credit union, ensuring all registered entities follow the same standard. To provide clarity.

#### **Amendment 30**

**Committee recommendation: Clause 16.** The Reserve Bank may ~~conduct an~~ investigation to verify compliance with all ~~the legal~~ requirements ~~of law~~ and may obtain any information or report, from any person or organisation, including a law enforcement agency, that the Reserve Bank considers necessary in connection with its ~~consideration of action on~~ an application to licence or register a credit union.

**Justification:** to simplify the sentences.

#### **Amendment 31**

**Committee recommendation: Clause 16 (5) -** The Reserve Bank may grant conditional approval of an application and must ~~communicate the conditions~~ notify the applicant in writing of any conditions attached to the approval ~~to the applicant.~~

**Justification:** For clarity purposes so that members understand.

#### **Amendment 32**

**Committee recommendation: Clause 18** - A person aggrieved by a decision of the Reserve Bank on an application to license or register a credit union may appeal to the Credit Union Tribunal **within a specified time as prescribed by the Regulation.**

**Justification:** The time frame is important to guide the aggrieved applicant and to make it objective.

#### **Amendment 33**

**Committee recommendation: Clause 21(4)** - The Reserve Bank may cancel the licence or registration **by written notice** if a credit union does not commence business within the prescribed time.

**Justification:** To ensure formal communication. Specifying “by written notice” establishes a formal and verifiable method for communicating the cancellation of a licence or registration.

#### **Amendment 34**

**Committee recommendation: Clause 22(1)** - All costs and expenses ~~in connection with related to the establishment of a credit union and in preparation for to commencing~~ business ~~may~~ must be paid ~~only~~ solely from funds provided by the applicants, organisers or a sponsor. ~~and (2) The costs incurred under subsection (1) may be reimbursed by the credit union only out of undivided earnings after and only after provision has been made for required reserves.~~

**Justification:** To provide clarity and ease of understanding.

#### **Amendment 35**

**Committee recommendation: Clause 25(1)** The ~~members~~ of a credit union must hold an annual general meeting no later than 4 months after each financial year end.

**Justification:** A typo error.

#### **Amendment 36**

**Committee recommendation: 26(1)** The members of a credit union may amend the by-laws of the credit union by ~~a~~ two-thirds vote of the members present at a duly constituted annual or special meeting, **provided that notice of the meeting specifying the proposed amendments is given to all members at least 14 days prior the date of the meeting.**

(5) Upon receipt of Reserve Bank's approval, an amendment takes effect on the date determined by the meeting of the **credit union** members ~~of the credit union that~~ endorsing the amendment.

**Justification:** To read better without changing the meaning, and to provide a clear timeframe for the notice to be served for the special meeting.

#### **Amendment 37**

**Committee recommendation:** **Clause 28 (10)** ~~If provided in~~ Where permitted by the by-laws, a director may participate **in a board meeting** and **exercise all rights in and act as a member a meeting** of the board by ~~means of~~ electronic communication ~~through which provided that~~ all persons participating in the meeting can communicate with each other.

**Justification:** To put it in simple English that reads well.

#### **Amendment 38**

**Committee recommendation:** **Clause 29 (2)(b)** purchase a blanket fidelity guarantee ~~policy of~~ insurance **policy**, in accordance with the regulations issued under this Act, to protect the credit union against losses ~~resulting from events caused by occurrences covered therein~~ such as fraud, dishonesty, forgery, embezzlement, misappropriation, misapplication, or ~~unfaithful performance breach~~ of duty by **any** director, officer, employee, member of a committee, or other agent

(c) determine the interest rate ~~charged~~ on loans **and deposits**.

**Justification:** Simplification of the clause for better understanding

#### **Amendment 39**

**Committee recommendation:** **Clause 29 (2)(r)** **perform any other duty and exercise any power of a credit union necessary to fulfil the objective of this Act.**

**Justification:** To ensure members understand their powers.

#### **Amendment 40**

**Committee recommendation:** **Clause 30(1) (a)** he or she dies or resigns by giving notice to the board, and if **he or she is** a member ~~of~~ a supervisory committee or credit committee, **must give** notice to the supervisory committee or ~~the~~ credit union, as applicable;

(2) If the **vacancy arises in the** office of ~~a member of~~ the board, supervisory committee or credit committee ~~becomes vacant~~, the members present at a meeting must, by majority vote, fill the vacant position.

30 (3)(b) there is no quorum at a ~~board~~ meeting ~~the board~~, the remaining members of the board may call a special meeting for the purpose of electing a member to fill the vacant position.

**Justification:** To simplify the clause for better understanding.

#### **Amendment 41**

**Committee recommendation:** Clause 32.(1) The board may ~~employ~~ appoint a general manager of a credit union ~~and to whom it delegates~~ the authority and responsibility ~~for to manage~~ing the credit union's day-to-day operations.

**Justification:** It reads better.

#### **Amendment 42**

**Committee recommendation:** Clause 41.— (1) The supervisory committee of each credit union must ~~obtain~~ arrange for an annual audit of the financial statements ~~of the credit union,~~ to be conducted by ~~the an~~ auditor appointed in accordance with subsection (6).

(3) A copy of the audited financial statements must be submitted to the Reserve Bank within 90 days ~~of~~ after the end of the financial year.

(5) The board or the supervisory committee of a credit union may ~~obtain a request~~ supplementary audits or examinations ~~if it considers necessary by~~ the credit union ~~considers it~~ or when required by the Reserve Bank.

(6) The credit union may appoint an independent auditor at the annual general meeting ~~of the credit union~~ on the recommendation of the supervisory committee and the board, and the appointed auditor must be approved by the Reserve Bank ~~to perform the audits required under this section.~~

**Justification:** To simplify the clause for easy reading. This change will remain for clarity purposes.

#### **Amendment 43**

**Committee recommendation:** Clause 41(10) A person may not serve as the independent auditor of a credit union if — (b) the person is ~~a~~ related ~~member to any individual persons~~ listed in paragraph (a); or

(c) ~~the Reserve Bank determines that any-situation, condition, or relationship exists-which would-impair the auditor's ability to perform-that, in the opinion of the Reserve Bank, prevents the person from performing~~ the audit in an objective and independent manner.

**Justification:** Removal of unnecessary words while maintaining the meaning.

#### Amendment 44

**Committee recommendation: Clause 41(11)** If the Reserve Bank ~~finds~~~~determines~~ that the board has not complied with this section, the Reserve Bank may appoint an independent auditor ~~who~~ meets~~ing~~ the requirements of this section to ~~perform~~ ~~conduct~~ the audit and the credit union must pay the cost of the audit.

**Justification:** Removal of unnecessary words while maintaining the meaning.

#### Amendment 45

**Committee recommendation: Clause 42.— (1)** Notwithstanding section 41, a credit union with assets ~~less than~~ ~~below~~ an amount prescribed by regulations may, with ~~the~~ prior approval of the Reserve Bank, ~~obtain~~ ~~have~~ an annual audit ~~performed~~ ~~conducted~~ by a committee at the end of ~~its~~ financial year ~~of the credit union.~~

**Justification:** Removal of unnecessary words.

#### Amendment 46

**Committee recommendation: Clause 42 3(a)** propose members of the committee meeting the ~~required~~ qualifications ~~to the board for approval in accordance with~~ subsection (2) ~~to the board;~~

(b) ~~inform~~ ~~notify~~ the Reserve Bank of the names and qualifications of the proposed members for approval; or

(c) ~~prior to~~ ~~before~~ replacing ~~changing~~ any member of the committee, provide ~~written notice to inform~~ the Reserve Bank ~~in stating writing of~~ the reasons for the change, ~~along with~~ ~~and~~ the name and qualification of the proposed ~~replacement~~~~new member.~~

**Justification:** Improving sentence structure for better understanding.

#### Amendment 47

**Committee recommendation: Clause 42(5) (a)** present a written report of its annual audit to the board within 90 days ~~before~~ ~~after~~ the end of the financial year of the credit union; and

**Justification:** It aligns with standard auditing and reporting practices, where audit reports are prepared and presented after the close of the financial period once the financial statements are finalised.

#### Amendment 48



**Committee recommendation: Clause 43.—** (1) A credit union must maintain a regulatory reserve ~~that comprises transfers of by allocating 20% from of its~~ net income until the regular reserve equals 10% of the total assets.

(3) In the event of a decrease in the reserves, the Reserve Bank may require additional transfers to the ~~regular~~ regulatory reserve ~~above the amount required to restore the reserve as required by subsection (1). until the amount of the loss has been restored to the reserve and regained.~~

(4) The board of a credit union may establish other reserves ~~whenever it determines the reserve to be~~ if it considers necessary or appropriate.

**Justification:** Removal of unnecessary words for clear understanding.

#### **Amendment 49**

**Committee recommendation: Clause 44.—** (1) A credit union must maintain a capital ratio as ~~determined by~~ the Reserve Bank. ~~may determine~~

(4) Complex credit unions ~~and credit unions~~ or those with ~~assets amount~~ over \$100 million ~~in assets~~ may be required by the Reserve Bank to ~~perform the calculations of the~~ capital ratios using risk -weighted assets.

(5) The Reserve Bank may issue prudential ~~capital~~ requirements ~~regarding capital~~, including but not limited to ~~requirements~~ specifying the characteristics of a complex credit union and ~~the assigningment of~~ risk weights to ~~categories of assets categories.~~

**Justification:** Removal of unnecessary words for better understanding.

#### **Amendment 50**

**Committee recommendation: Clause 44(6)** If the Reserve Bank determines that a credit union has insufficient capital ~~necessary to shield against to cover~~ the risks, both on and off the balance sheet, arising from ~~the its~~ business, ~~of that credit union~~, ~~it the Reserve Bank of Fiji~~ must direct the credit union to increase its capital to ~~the a level it considers determined by the Reserve Bank to be~~ sufficient, consistent with the calculated capital ratio using risk-weighted assets.

**Justification:** Removal of unnecessary words that made it hard to understand the meaning of this clause.

#### **Amendment 51**

**Committee recommendation:** Clause 45.— (1) A credit union must maintain a minimum statutory liquidity deposit as ~~the determined by the~~ Reserve Bank to ensure sufficient liquidity to meet member withdrawal. ~~may determine.~~

(2) The board of a credit union may establish a higher statutory liquid deposit amount ~~whenever it determines the liquidity needs to be as deemed~~ necessary or appropriate.

(3) The statutory liquidity deposit must be used to meet liquidity requirements in the event of ~~demand for~~ cash withdrawals ~~demands~~.

(4) The Reserve Bank may require additional liquidity to be maintained based on the types of deposits held by the members to safeguard against any liquidity risks.

(5) The funds held in a statutory liquidity deposits must not have a maturity exceeding ~~of greater than~~ one year to ensure liquidity is maintained.

(6) A credit union~~s~~ may vest its statutory liquidity deposit with ~~may be vested to~~ a Credit Union League for investment subject to a written ~~the~~ agreement between the credit union and the Credit Union League.

46 (2) A credit union must not engage in any business or activity except as those specifically authorised by this Act, unless the Reserve Bank approves a ~~permissible~~ businesses or activities consistent with the as ~~permissible for a~~ credit union's to ~~accomplish the~~ purposes for which it is established.

**Justification:** The clause is simplified by removing unnecessary words and the inclusion of the word “written” provides transparency to the members.

## **Amendment 52**

**Committee recommendation:** Clause 48 (1) (c) acquire property in the process of collecting loans, such as collateral assets.

(2) A credit union must not invest in a credit union premise, directly or indirectly, in an amount that exceeds its capital, ~~by obtaining- provided however that, with the~~ prior approval of the Reserve Bank, and ~~upon having demonstrating an essential need,~~ to the Reserve Bank~~s~~ ~~may allow investment up satisfaction an essential need therefore, the limit may be increased~~ to 150 % of the credit union's capital.

(3) Any real property acquired by a credit union in the process of collecting loans must be disposed of as soon as possible ~~but and~~ in any event case within 53 years from the date ~~on which the credit union acquired such interest.~~ of acquisition.

**Justification:** Simplifying the sentence in plain English for members to understand and for better enforcement.

Holding real property longer increases risks such as depreciation, maintenance costs, and potential liabilities. A shorter disposal period of 3 years will preserve credit union assets by reducing operational risk.

### **Amendment 53**

**Committee recommendation: Clause 49.**— (1) A credit union may offer an unlimited ~~amount~~ number of membership shares at a par value established in the by-laws.

(2) The by-laws of a credit union may fix ~~the~~ minimum number of membership shares to which a member must subscribe and may ~~set a limit on~~ the number of shares that ~~may be owned by~~ a member ~~may own~~, however, any such limitation must be applied equally to all members.

(3) The payment of membership shares are to be made in accordance with the ~~procedures outlined in the manner as provided in the~~ by-laws.

(4) The membership shares may be issued in ~~the form of~~ certificates ~~form~~ or may be ~~recorded held in an~~ as accounts on the books of the credit union.

(5) A joint share account may hold ~~more than one~~ multiple membership shares.

**Justification:** Simplifying the sentence in plain English for members to understand

### **Amendment 54**

**Committee recommendation: Clause 50** (3) The terms, interest rates and conditions under which deposits are accepted ~~to~~ must be established by the board of the credit union and must be ~~set documented forth in a formal an~~ agreement between the credit union and its depositor.

**Justification:** Simplifying the sentence in plain English for members to understand.

### **Amendment 55**

**Committee recommendation: Clause 51 (1)** - A credit union may—

(a) declare and pay dividends on its ~~membership~~ shares;

(b) pay interest on ~~members~~ deposits; and

(c) pay patronage rebates ~~to members~~.

51 (2) ~~A~~ Dividends, ~~or an~~ interest payments and patronage rebates ~~must~~ ~~may~~ be made at the rates and under the conditions authorised by the board.

51 (3) ~~A-D~~dividends may be paid out only after ~~a-transfer-to meeting the~~ reserves transfer requirements under section 43. ~~has been made~~

**Justification:** Simplifying the sentence in plain English for members to understand.

#### **Amendment 56**

**Committee recommendation: Clause 51(5)** A credit union must obtain the written approval ~~from of~~ the Reserve Bank ~~prior-to before~~ paying dividends in any calendar year in which the credit union ~~incurs suffers~~ a net loss or ~~in-which-the when the~~ dividend amount ~~would be in excess of the amount of the exceeds the~~ credit union's net income for that year.

52.— (2) The Reserve Bank may impose ~~an~~ requirements for advance withdrawal notice ~~requirement~~ following the issuance of an enforcement action taken pursuant to section 103.

(3) The Reserve Bank must ensure that ~~such advanced withdrawal any~~ notice requirements imposed under subsection (2) applies ~~equally~~ to all members of the credit union.

**Justification:** Plain English is used for readability.

#### **Amendment 57**

**Committee recommendation: Clause 53 (1)** (a) receive money, including payments on ~~membership~~ shares-or ~~other~~ money for deposit;

(c) provide for the transfer or withdrawal of money from an account by ~~the~~ means and through-the payment systems ~~deemed most convenient by that~~ the board determines best serve the convenience and needs of the members.

**Justification:** The proposed changes improve clarity and reads better.

#### **Amendment 58**

**Committee recommendation: Clause (2)** (a) receive money including transfers made on digital platforms ~~for deposit~~ from-a bank, an insurance company, or any other intermediary holding money on behalf of the credit union or ~~one of~~ its members;

(b) accept grants or donations ~~of money~~ from national or international development agencies or other donors;

(d) sell ~~to-a member~~ negotiable instruments to members such as, cheques, money orders, and other similar money transfer ~~instruments or~~ services; ~~or and~~

54 (2) The Reserve Bank may issue prudential requirements ~~to regarding~~ such borrowings ~~to ensure the financial safety and soundness of the credit union.~~

**Justification:** To simplify the clause by removing unnecessary words. To protect the credit union's financial health and to protect members' funds.

#### **Amendment 59**

**Committee recommendation: Clause 55.** A credit union licensed or registered under this Act may be authorised ~~to by the Reserve Bank to~~ participate in share and deposit insurance protection plans, subject to ~~requirements as meeting the requirements established by the Reserve Bank. may provide~~

**Justification:** To improve readability and to make the clause formal.

#### **Amendment 60**

**Committee recommendation: Clause 56.**—(1) If there has been no activity on a member's redeemable share or deposit account for ~~35~~ consecutive years, the board ~~of directors~~ may impose a maintenance fee as ~~determined by the Reserve Bank may determine.~~

(2) The credit union must give notice of ~~this action~~ dormant account to the member at the last known address, allowing at least 60 days for a reply.

(5) Any outstanding balance after 2 consecutive years, from which an account is being charged a maintenance fee under subsection (3), is ~~to be~~ deposited to the credit union's special reserve account.

**Justification:** Accounts inactive for long periods increase administrative costs and regulatory risks. Reducing the inactivity threshold to 3 years helps to prevent these burdens earlier, thereby lowering operational costs associated with managing dormant accounts.

#### **Amendment 61**

**Committee recommendation:** Abandoned Property ~~and Unclaimed Monies~~

57(3) The credit union must send a notice of this action to the member ~~entitled to the abandoned to whom the property is owed,~~ at the last address ~~shown recorded on~~ in the credit union's records and allow ~~the member~~ 90 days ~~for a~~ to respond.

(4) After 3 years in the special reserve account, the credit union ~~shall consider the property as unclaimed monies and may pay it to the Reserve Bank of Fiji, until claimed. donate the property to a recognised charity selected by the board of directors.~~

**New 57(5)** Every Credit Union must, within 60 days after the financial year, publish in a daily newspaper or its website, or other electronic means, a statement showing all unclaimed monies.

**New 57(6)** Statement under subsection (5) must state that the unclaimed monies holder or their legal personal representative, as the case may be, must submit a claim to the Credit Union within 3 months from the date of publication of the statement.

**New 57(7)** The balance remaining in any unclaimed monies account for a period of 3 months after the publication must be paid to the Reserve Bank and remains the property of the account owner.

**Justification:** To remove unnecessary words for better reading. It's members unclaimed monies that need to be retained by RBF and if unclaimed it goes to consolidated funds. To have regulatory compliance and clear process to deal with unclaimed monies. Also for transparency and accountability and to protect members funds.

#### **Amendment 62**

**Committee recommendation:** *Powers of account holders*

59.—(1) A party to a multiple-party account may make payments and withdrawals on a share or deposit account ~~in accordance subject with to~~ the account agreement and the terms and conditions set by the credit union.

**Justification:** To improve the sentences for easy reading.

#### **Amendment 63**

**Committee recommendation:** **60.** Unless otherwise provided by the account agreement, ~~the each parties~~ to a multiple-party account ~~are~~ presumed to ~~have equal own the account in equal~~ interests ~~in the account~~.

**Justification:** Removal of unnecessary words and provide clarity.

#### **Amendment 64**

**Committee recommendation:** **Clause 73.** The board must give ~~its~~ prior approval before the credit union permits a director, committee member or senior management to act as guarantor of any loan to a member, regardless of the amount of the loan.

74. A credit union may purchase assets or obtain services from, or sell assets to, its directors, committee members and senior management ~~only~~ on terms that are no less favourable to the credit union than the terms on which such assets or services could be obtained by the credit union ~~in~~ at arm's length transactions with other persons or organisations.

76.— (1) A ~~loan~~ borrower may ~~be-prepaid~~ all ~~in-whole~~ or ~~in~~ part of a loan at any time, ~~without penalty~~ during regular working hours on any day ~~on-which~~ the credit union is open for business, ~~without incurring any penalty or additional fees.~~

(2) The right of prepayment must be ~~reflected~~ explicitly stated in the written instrument as required under section 81.

77.— (1) A credit union, in accordance with its by-laws, may charge a member a penalty when a loan payment is past ~~the~~ due ~~date~~.

(2) A credit union may charge only one penalty ~~on~~ for each past due payment.

(3) This ~~section-clause~~ does not prevent the continuing accrual of interest on a past due ~~payment-loan amount~~ in accordance with the terms of the loan agreement.

79 The illegality of a loan is not a defence ~~in to any action brought by a credit union's action~~ to recover the loan,. ~~The credit union retains the right to enforce the loan agreement and collect the loan from any person liable including the borrower or any guarantor. and does not prevent enforcement of the loan agreement or collection of the loan from a person who is otherwise liable on the loan, including—~~  
(a) ~~the borrower; or~~  
(b) ~~a guarantor.~~

**Justification:** To improve the sentences for readability

#### **Amendment 65**

**Committee recommendation:** Clause 82.—(1) Subject to the limitations of this section, a credit union may ~~make-grant loans to-~~

(a) ~~loans to~~ the Credit Union League established under section 155: and

(b) ~~loans to~~ another credit union , a central liquidity facility established under law, or an organisation established for lending ~~directly individually~~ or collectively to credit unions.

**Justification:** Improve sentence construction.

#### **Amendment 66**

**Committee recommendation: Clause 84** (c) membership shares ~~of~~, or deposits in another credit union, a reserve liquidity facility established under law, or an organisation established for lending directly or collectively to credit unions; and

**Justification:** Redundant word

#### **Amendment 67**

**Committee recommendation: Clause 93.**—(1) A credit union that holds assets or investments ~~that are~~ not eligible to be held by a credit union, including real estate ~~that has been~~ held for more than ~~the~~ 2 years ~~period~~, or ~~that engages~~ in activities ~~that are~~ not authorised ~~to be engaged in by a~~ for credit unions, must divest ~~itself of those such~~ assets or investments, and terminate those activities no later than 2 years from the ~~date of~~ commencement ~~date~~ of this Act.

93 (5) The trustee appointed under subsection ~~(3 4)~~ must pay to the credit union any proceeds from the divestiture or termination of activities, less any costs of sale or termination, and less any expenses of the trustee.

**Justification:** Simplifying the sentence by removing unnecessary words for smooth reading.

#### **Amendment 68**

**Committee recommendation: Clause 93** (7) A divestiture is not considered to ~~be have in~~ compliance with the requirements of this section, if the transfer is financed by the credit union or is made to a company controlled by the credit union.

93 (9) Notwithstanding subsections (1) to (6), the Reserve Bank ~~is authorised, in at~~ its discretion and ~~in exceptional cases, and acting at upon~~ the request of a credit union, ~~to may~~ permit ~~the retention by the credit union~~ of non-conforming assets or investments or the continuation of non-conforming activities, ~~in exceptional cases~~.

**Justification:** Simplifying the sentence by removing unnecessary words for smooth reading.

#### **Amendment 69**

**Committee recommendation: 96.** The Reserve Bank may require ~~any~~ member of the board, ~~member of a~~ committee ~~member~~, ~~a~~ general manager or ~~an~~ employees of a credit union to provide access to all books, records, accounts, cash ~~in on~~ hand, data, documents and other papers held, stored or transmitted by the credit union, whether in physical or electronic form. ~~and~~ Any information deemed necessary and requested by the Reserve Bank must be furnished in a timely manner during the course of the examination.



100.— (1) A credit union must submit to the Reserve Bank a quarterly report ~~of on~~ its financial condition, ~~as well as any and such~~ other reports ~~as~~ the Reserve Bank may require to monitor ~~its~~ compliance with ~~other requirements of~~ this Act and the regulations thereunder.

(2) The Reserve Bank may require credit unions generally ~~or any individual credit union, or if the Reserve Bank deems necessary for supervisory purposes, to submit reports the Reserve Bank determines this to be required for supervisory purposes, individual credit unions, to file reports~~ under this section more frequently than quarterly ~~if deemed necessary for supervisory purposes.~~

(6) The fee payable to the Reserve Bank must be ~~in~~ an amount ~~set determined~~ by the Reserve Bank for each day after the due date ~~that during which~~ the report remains unfiled ~~or for~~ each day after ~~any~~ subsequent due date established by the Reserve Bank in a notice to ~~the a~~ credit union to correct an inaccurate or incomplete report.

**Justification:** Simplifying the sentence by removing unnecessary words for smooth reading without changing the meaning.

#### **Amendment 70**

**Committee recommendation:** 101. A credit union must provide ~~the Reserve Bank a~~ notice to ~~relocate the Reserve Bank to relocate~~ its principal place of business or to establish and maintain, at locations other than its principal place of business, additional offices or service facilities. ~~that are reasonably necessary to provide services to the credit union's members.~~

102. The Reserve Bank may, in addition to any other course of action available under this Act or any other law, take any action under section 103 against a credit union or its directors, committee members or senior management where the Reserve Bank is of the opinion, either as a result of an examination carried out under section 95 or otherwise, that the credit union ~~itself~~ or its directors, committee members or senior management ~~has~~—

**Justification:** Unnecessary words removed that create confusion.

#### **Amendment 71**

**Committee recommendation:** 104.— (1) A credit union or ~~any~~ director, committee member or employee who is charged with an enforcement action under section 103 may ~~have the right to~~ appeal the ~~decision of the~~ Reserve Bank's ~~decision~~ within 10 days of receiving the directive in accordance with the procedures ~~set out~~ outlined in section 162. ~~which such appeal must be initiated within 10 days following service of the directive.~~

(2) ~~if an appeal is not filed within the time period Enforcement actions with respect to which an appeal was not sought within the time period~~ stated in subsection (1) the enforcement action is final and ~~cannot be incontestable-contested.~~

(3) The filing of ~~a request for the an~~ appeal does not suspend ~~or delay an~~ enforcement actions.

105 - The Reserve Bank may release the summary of enforcement actions to the public, unless the Reserve Bank, in its discretion, determines that ~~such~~ publication would be detrimental to the stability of the financial system or to other public interests.

**Justification:** Simplifying the sentence for members to understand.

## **Amendment 72**

### **Committee recommendation:** PART 6—CONFIDENTIALITY

#### *Confidentiality of information of ~~the~~ Reserve Bank*

106.— (1) The following information ~~of held by~~ the Reserve Bank is confidential and must not be disclosed by the Reserve Bank or ~~it's agents of the Reserve Bank~~ except as provided in this section—

(a) information obtained directly or indirectly by the Reserve Bank in any manner, including by application or examination, concerning the financial condition or business affairs of a credit union, its related entities, ~~and~~ its members and other customers, ~~including related and the~~ files and records of the Reserve Bank ~~relating-pertaining-to~~ that information, except for ~~a statement~~ information that is public or intended for publication;

(c) ~~a documents~~ related to ~~an~~ enforcement actions taken pursuant to section 103 where ~~by~~ the Reserve Bank determines that publication would be contrary to the ~~financial~~ stability ~~of the financial system~~ or ~~to~~ other public interests; or

(d) information obtained by the Reserve Bank from another supervisory agency ~~that is~~ designated as confidential by that agency.

(2) Notwithstanding subsection (1), the ~~Reserve Bank or its agents may disclose confidential information under subsection (1)-may be disclosed by the Reserve Bank or agent of the Reserve Bank—~~

(a) to defend ~~an~~ legal action instituted by a credit union or its member against the Reserve Bank;

(e) if the information is otherwise publicly available;

**Justification:** To improve clarity and readability without altering the original meaning.

## **Amendment 73**

**Committee recommendation:** 106 (3) ~~Discovery of When~~ confidential information from the Reserve Bank is disclosed under a court order, subpoena or any other legal process, the Reserve Bank may—

- (a) restrict release of confidential information to the portion directly relevant related to the legal dispute at issue; and
- (b) require that a protective order, in a form and under circumstances specified by the rules, be issued by a court before the release of the confidential information.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### **Amendment 74**

**Committee recommendation:** 107.—(1) A credit union must not disclose or produce to a third party or permit a third party to examine any record pertaining to the affairs of a credit union member unless the—

- (a) the request is made in connection with an audit of the credit union;
- (b) the member consents, to the disclosure or production of the record with the member's signature verified by the credit union or any other type of identification approved by the Reserve Bank, ~~to the disclosure or production of the record~~;
- (c) the information is required by the Reserve Bank;
- (d) the request is made in response to—
- (e) the disclosure is made on the approval of the Reserve Bank under subsection (2).

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### **Amendment 75**

**Committee recommendation:** Clause 107.—( 2) The Reserve Bank may permit the exchange of member information on—

- (b) ~~bad-stale and dishonoured~~ cheques; or
- (c) any other transaction information by ~~for which~~ the Reserve Bank determines that disclosure is necessary in for the daily operation of the credit union's business.

**Justification:** Simplifying the sentence in plain English for members to understand.

## Amendment 76

**Committee recommendation:** PART 7—MERGER AND CONSOLIDATION  
~~TRANSACTIONS~~

108 (a) the administering of merger or consolidation ~~must comply transaction is in accordance~~ with this Act and any relevant written laws developed by the Reserve Bank. ~~for the purpose of administering a merger or consolidation;~~ and

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

## Amendment 77

**Committee recommendation:** Clause 108 (b) the merger or consolidation ~~transaction takes place~~ occurs under a plan ~~of merger or consolidation~~ that has been approved by a majority of the —

(i) ~~agreed to by a majority of the~~ board of each credit union at a meeting called for that purpose. ~~joining in the merger or consolidation;~~ and

(ii) ~~approved by a majority of the~~ members of each credit union voting at a meeting of its members called for that purpose.

**Justification:** Simplifying the sentence in plain English for members to understand.

## Amendment 78

**Committee recommendation:** 109 (a) includes a copy of the board resolution or other documents approving ~~action by which the board agreed to~~ the merger or consolidation plan; and

(b) states—

(i) the time and place of the board meeting ~~approving the at which the board agreed to the~~ merger or consolidation plan;

(iii) the time and place of the members meeting ~~at which the members~~ approving the merger or consolidation plan;

(iv) the vote count of the members ~~hip's vote on the~~ approving of the merger or consolidation plan; and

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

## Amendment 79

**Committee recommendation:** 109 (3) The ~~plan-of~~ merger or consolidation ~~plan~~ must include a list of all ~~of-the~~ persons who will serve on the board of directors and as committee members of the resulting ~~institution credit union~~, and financial statements consisting of—

(c) ~~the~~ addresses of all offices that will be operated by the resulting credit union; and

(d) any other information ~~requested that-by~~ the Reserve Bank ~~may-request~~ for the purpose of successfully executing the merger or consolidation.

109 (4) Subject to subsection (5), on approving the merger or consolidation, the Reserve Bank may return a duplicate copy of the certificate of merger ~~or consolidation~~ and ~~plan-of~~ merger or consolidation ~~plan for to~~ the resulting credit union.

**Justification:** Simplifying the sentence by removing unnecessary words.

#### Amendment 80

**Committee recommendation:** Clause 109 - 109 (5) The Reserve Bank may ~~grant~~ conditionally approval ~~for a-~~ merger or consolidation, and ~~if the such~~ approval is conditional, the Reserve Bank —

(a) must state the conditions ~~of for~~ approving of the merger or consolidation ~~transaction~~; and

(b) may withhold filing the approved official copy of the certificate of merger ~~or consolidation~~ until the conditions have ~~has~~ been met.

109 (6) The merger or consolidation is effective upon the approval of the Reserve Bank ~~on the satisfaction of the requirements~~ under sections 108 and 110.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### Amendment 81

**Committee recommendation:** Clause 110.— (1) In determining whether to approve or disapprove the merger or consolidation ~~transaction~~, the Reserve Bank may ~~consider~~—

(a) ~~consider~~ the availability and adequacy of financial services in the local community.

110 (2) The Reserve Bank must not approve a merger or consolidation transaction unless the resulting ~~institution credit union will~~ commits to complying with all prudential requirements applicable to the operation of a credit union under this Act.

111.— (1) After ~~completion of~~ a merger or consolidation ~~is-effected~~, the property of the merged or consolidated credit union vests in the resulting credit union without any

instrument of transfer or endorsement. ~~and~~ The obligations and liabilities of the merged or consolidated credit union are assumed by the surviving credit union.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

## **Amendment 82**

**Committee recommendation:** Clause 113 (d) refused to ~~allow permit~~ the Reserve Bank or the Reserve Bank's representative to examine the credit union's records and affairs, including books, papers, and accounts;

(~~Ff~~) failed or refused to authorise and direct another person to ~~allow permit~~ the Reserve Bank or the Reserve Bank's representative to examine the credit union's records in the other person's custody or control, including books, papers, and accounts, following the Reserve Bank's request for the granting of that authority and direction; or

(iii) the credit union is not considered economically viable in the long term, ~~based on the basis of~~ the Reserve Bank's assessment of the conditions listed in section 13; and

**Justification:** To maintain consistency.

## **Amendment 83**

**Committee recommendation:** Clause 114.— (1) A controllership directive must be served personally, ~~by electronic mail or by post to a the~~ director or the general manager of the credit union by the Reserve Bank.

(2) ~~Service may be made by mail if a director or the general manager is not available for service on the date of issuance.~~

**Justification:** To include other means of communication. Not needed. Such details can be in the by-laws.

## **Amendment 84**

**Committee recommendation:** Clause ~~115~~.— (2) No other person shall ~~have standing to~~ challenge the controllership directive.

~~118~~.— (1) A controller, under ~~the control of~~ the Reserve Bank, ~~have~~ ~~has~~ the authority to—

~~118~~ (2) Following service of the controllership directive, the credit union may conduct only those operations that ~~the controller are~~ authorised ~~by the controller~~ and those operations be conducted under his or her supervision.

**119.**— (1) The controller is vested with all ~~of~~ the authority and powers of the members, directors, committees and senior management of the credit union and must be authorised to operate the credit union in its own name or to conserve its assets in the manner and to the extent authorised by the Reserve Bank.

**119 2 (b) & (c) – Spacing**

*119 (d)* at the request of the controller, any litigation pending against the credit union must be stayed for a ~~period of~~ 60 days.

**Justification:** To improve English for easy reading.

**Amendment 85**

**Committee recommendation:** **120** (c) (i) whether rehabilitation of the credit union is feasible, or ~~alternatively~~;

120 (2) If the controller believes that rehabilitation is feasible, then the controller may provide a ~~plan of~~ rehabilitation ~~plan~~ with his or her recommendation

120 (3) The ~~plan of~~ rehabilitation ~~plan~~ may include a proposal for reduction in liabilities of the credit union, as provided for in section 121.

120 (4) At the request of the controller, the time for submission of the ~~plan of~~ rehabilitation ~~plan~~ may be extended for 30 days.

120 (5) If the Reserve Bank approves the ~~plan of~~ rehabilitation ~~plan~~, then the rehabilitation plan ~~is to~~ shall be implemented.

**121.**—(1) If the controller determines that losses of the credit union resulting from depreciation in the value of its assets or otherwise exceed the value of its retained earnings and reserve fund so that the estimated value of its assets is less than the total ~~of~~ liabilities owed~~ing~~ to its members, then the controller may propose that the loss be equitably divided ~~equitably~~ among the members through a reduction in the liabilities owed~~ing~~ to each member.

121 (2) If the controller makes such a proposal, and if the proposal is approved by a majority of the members at a meeting called to consider that matter, then the controller must include the proposal for a reduction in liabilities in the ~~plan of~~ rehabilitation ~~plan~~ to be submitted for consideration by the Reserve Bank.

**122.** The controller may serve until ~~the~~—

(a) ~~the~~ credit union has been rehabilitated; or

(b) ~~the~~ Reserve Bank has issued a liquidation directive regarding the credit union.

**Justification:** To maintain consistency with simplifying the sentence in plain English for better understanding.

#### **Amendment 86**

**Committee recommendation:** 126.—(1) The Reserve Bank ~~may~~, by a liquidation directive, ~~may~~ appoint a liquidating agent and direct that the credit union be liquidated if—

**Justification:** To maintain consistency.

#### **Amendment 87**

**Committee recommendation:** Clause 127. The Reserve Bank may serve a liquidation directive in the same manner provided for ~~the~~ service of a controllership directive.

130.—(1) A credit union in liquidation continues ~~to exist~~ only for the purposes of discharging debts, collecting and distributing assets, and winding up the credit union's business.

134 (d) an official record of the credit union ~~continuously~~ from the time of its execution.

134 (2) (c) which were made by the credit union and its transferee with ~~the~~ knowledge that the transfer would likely have the effect of preferring the interests of the transferee and prejudicing the interests of other creditors.

**Justification:** To maintain consistency.

#### **Amendment 88**

**Committee recommendation:** Clause 137 (2) A general notice must be published twice a week for 2 successive weeks in ~~a local~~ newspaper ~~or on electronic platforms~~ ~~of~~ for general circulation and ~~announced~~ broadcasted in the ~~general~~ media in each area in which the credit union maintained an office or branch to transact business on the date the credit union ceased unrestricted operations.

141 (3) The removal directive takes effect immediately ~~on service~~.

**Justification:** To maintain consistency.

#### **Amendment 89**

**Committee recommendation:** Clause 150.—(1) Notice of the special meeting to consider voluntary liquidation is to be published in at least 2 local newspapers ~~or on electronic platforms~~, and the Reserve Bank ~~must be~~ notified no later than the 21~~st~~ days before the date of the meeting.



(3) The **liquidation** transaction may not proceed unless two-thirds of all members are present and vote **in favor of** ~~to~~ dissolve~~ing~~ and liquidate~~ing~~ the credit union.

151.—(1) Immediately after **issuing** notice under section 150(1), the Reserve Bank may **impose** restrictions, **exercise** control or give directions with respect to the **continued ongoing** business of the credit union pending **the** consideration of voluntary liquidation by the members.

(2) **During that period**, the Reserve Bank may, in its discretion direct that, ~~during that period~~, no member may withdraw an aggregate amount in excess of an amount to be determined by the Reserve Bank.

(3) No new **loan or** extensions of credit shall be funded during the period between the board of directors' adoption of the resolution recommending voluntary liquidation and the membership meeting called to consider voluntary liquidation, except for the issuance of loans fully secured by a pledged ~~of~~ deposits and the funding of outstanding loan commitments approved before adoption of the resolution.

(4) If the vote to dissolve and liquidate the credit union is affirmative, the credit union must conduct **only** business **only in relation incidental** to liquidation.

**Justification:** Simplifying the sentence in plain English for better understanding. Also, changes were made to improve the clauses for clarity and smooth reading.

#### **Amendment 90**

**Committee recommendation: 152.**— (1) The board must notify the Reserve Bank of the affirmative vote of members to liquidate and request approval for its liquidation no later than ~~the fifth~~ **5 days** after the special meeting of the members.

(2) The notice must include the resolutions of the meeting and a list of all members present and voting at the meeting and the results of the affirmative vote ~~with the notice~~.

**153.** If the Reserve Bank approves the liquidation, ~~within 10 days~~, the board must **within 10 days**, appoint a liquidating agent to—

(e) ~~take perform~~ any other actions necessary and incidental to ~~the liquidation~~**ong** of the credit union.

**Justification:** Simplifying the sentence in plain English for better understanding.

#### **Amendment 91**

**Committee recommendation:** 154.—(1) The process of voluntary liquidation is subject to supervision by the Reserve Bank, ~~who~~ ~~which~~ may request ~~such~~ reports and conduct ~~such~~ inspections as it ~~believes~~ ~~deems~~ necessary.

(3) The ~~plan of~~ liquidation ~~plan must is to~~ be approved by the Reserve Bank .

(4) If the Reserve Bank determines, including in the course of ~~such~~ liquidation, that the credit union ~~does is~~ not ensuring an orderly liquidation or ~~it fails to is not~~ complying with this Act or with any regulations issued by the Reserve Bank, the credit union is to be liquidated pursuant to **Part 9** of this Act.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

## **Amendment 92**

**Committee recommendation:** Clause 155 (3) The Credit Union League is to coordinate, assist, and promote all credit unions **to** perform such functions as **required** in its constitution by its constituent members and approved by the Reserve Bank.

## **PART 12—OFFENCES**

### **Defamation**

**156.** A person who knowingly makes, circulates, or transmits to another person a false statement that is derogatory to the financial condition of a credit union with the intent to defame that credit union or counsels, aids, **abets**, procures, or induces another person to make, circulate, or transmit a false statement that is derogatory to the financial condition of a credit union with the intent to defame that credit union commits an offence and is liable on conviction to a fine not exceeding \$100,000 or imprisonment for ~~a term of~~ **not exceeding** 2 years or both.

**Justification:** To improve clarity and readability without altering the original meaning.

## **Amendment 93**

**Committee recommendation:** *Consideration for **a** loan, investment or purchase*

Clause 159.—(1) A member of the board, committee, senior management, or an employee of a credit union **that** knowingly permits a loan to be made to a non-member commits an offence and is liable on conviction to a fine not exceeding \$20,000 or ~~to~~ imprisonment for a term ~~of~~ **not exceeding** 5 years or both.

160 (b) in connection with an examination or investigation of a credit union by the Reserve Bank, exhibits **or presents** a false **document**, paper, instrument, or security; or gives ~~under~~

~~oath~~, a false testimony under oath in response ~~answer~~ to a question directly related to the examination or investigation by the Reserve Bank's representative.

160 (2) A person commits an offence if the person knowingly removes, destroys, or conceals any record of the credit union for the purpose of concealing a fact or information from the Reserve Bank's representative.

161.—(1) If a credit union or other person designated in a issued directive under this Act does not comply with the directive, the Reserve Bank, after giving notice, may assess an administrative penalty against the credit union, the designated person, or both, ~~in an amount of not~~ ranging from not less than \$100 ~~or~~ and not more than \$10,000 each for each day of the violation of the directive.

(2) The credit union may not reimburse or indemnify any person for any part of the administrative penalty.

(3) The Reserve Bank may bring suit for an injunction or to collect the administrative penalty in a court.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### **Amendment 94**

**Committee recommendation:** 159(4) A credit union or other person against whom administrative penalties have been assessed may ~~obtain~~ seek administrative review as provided in sections 162 and 163.

162.—(1) This section establishes the Credit Union Tribunal, which consists of the following—

(b) a representative of Fiji Law Society or its nominees; and

(2) Any party aggrieved by a directive or decision of the Reserve Bank or a decision of a liquidating agent on a claim may file for administrative review with the Credit Union Tribunal, within 30 days ~~of~~ after the issuance of such directive or decision, ~~obtain an administrative review by filing a request for appeal with the Credit Union Tribunal.~~

(5) Any person aggrieved by a decision of the Credit Union Tribunal taken under subsection (3) may, within 30 days of the date of issuance of such a decision, may appeal the decision of the Credit Union Tribunal to the court.

(6) The court may review the decision of the Credit Union Tribunal and issue its own decision affirming, modifying, remanding, or setting aside ~~such the Tribunal's~~ decision.

162 (8) (a) the record on ~~which~~ the review, ~~is conducted to be developed~~ during the administrative process before the Reserve Bank and the Credit Union Appeal Tribunal; and

(b) the scope of review by the court of the decision of the Reserve Bank ~~or of~~

the Credit Union Tribunal is confined to whether ~~the Reserve Bank or the Credit Union Tribunal's~~ decision was ~~adopted~~ made in accordance with lawful procedures, or was arbitrary or capricious, or otherwise, contrary to ~~the~~ law.

(9) The court may permit the introduction ~~into~~ of evidence of factual matters not presented to the Reserve Bank or to the Credit Union Tribunal during the administrative review processes only in extraordinary cases when necessary to achieve ~~the ends of~~ justice.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### **Amendment 95**

**Committee recommendation:** Clause 162 (10) The filing of a request for review does not ~~affect a~~ suspension ~~of~~ any decision taken or measure imposed by the Reserve Bank.

**163.**— (1) The board of a credit union may ~~obtain~~ seek administrative review of controllership and liquidation directives as stated in section 162, ~~subject to except that the specific time periods and procedures provided for filing and acting upon such matters as provided~~ in this section.

163 (2) Any request for administrative review of such directives ~~is to~~ must be accompanied by a certified copy of a board resolution authorising the initiation of ~~the review process such procedures.~~

(3) If the board of a credit union files a request for administrative review of a controllership or a liquidation directive, the Credit Union Tribunal ~~may~~ must promptly set a date for a hearing on such review that is not earlier than the 11th day nor later than the 30th day after the ~~date on which the~~ request is received by the Credit Union Tribunal.

(4) The Credit Union Tribunal must promptly ~~give~~ notify the credit union ~~notice~~ of the date, time and place of the hearing.

(5) The Credit Union Tribunal must issue its decision affirming, modifying, ~~or~~ declaring unjustified ~~or invalidating~~ the issuance of the controllership or liquidation directive no later than ~~the~~ 15<sup>th</sup> days after a hearing.

(7) The court must set a ~~date for a~~ hearing ~~date that is~~ not earlier than the 11th day ~~or~~ and not later than the 30th day after ~~receiving the date on which~~ the Credit Union Tribunal's decision

~~was received~~ and the court must promptly ~~provide~~ ~~notice~~ ~~to~~ the parties of the time and place of the hearing.

(8) The court must issue its decision affirming, modifying or declaring unjustified the issuance of the controllership or liquidation directive ~~n~~No later than ~~the~~ 15<sup>th</sup> days after the hearing. ~~the court must issue its decision affirming, modifying or declaring unjustified the issuance of the controllership or liquidation directive~~

(9) The filing of a request for review of a controllership or liquidation directive ~~will~~ ~~is to~~ does not suspend the effectiveness of the directive which ~~is to~~ remains in full force and effect.

(10) In cases brought under this Part, the court is authorised, in appropriate cases, to award monetary damages to injured parties and not to enjoin, stay, suspend, or set aside the actions ~~of taken by any~~ controller, liquidating agent, the Reserve Bank or the Credit Union Tribunal taken under this Act.

(11) Any ~~monetary~~ award of damages, unless based on actions found by the court to have been taken in bad faith by a controller, a liquidating agent, or the Reserve Bank, is directed against the Reserve Bank and in cases where bad faith is proven, against the wrongdoer as well.

**Justification:** Simplifying the sentence in plain English for members to understand. Also, removing unnecessary words to improve clarity and readability without altering the original meaning.

## Amendment 96

### Committee recommendation: PART 14—MISCELLANEOUS

#### *Income tax*

~~164. The income of a credit union is subject to income tax.~~

#### *Business days and ~~legal~~ public holidays*

**166.**— (1) A credit union is deemed to be closed on any day, or ~~any~~ part of a day, when it is not open to the public for ~~carrying on~~ substantially ~~conducting~~ all of its functions or transactions.

(2) A credit union must be closed at least one day ~~of the~~ ~~per~~ week and on all ~~legal~~ public holidays. When a credit union is closed ~~in accordance with~~ under subsection (2), ~~the credit union it is not~~ under ~~any~~ no obligation or duty to conduct any ~~of its~~ business or effect any transaction.

(3) Any notice, item, or deposit of money received on any ~~legal public~~ holiday may be treated as ~~being~~ received at the opening of the next business day, and any transaction or ~~other~~ business ~~which that would~~ or should have occurred ~~or been transacted on any such legal on~~ such holiday may be treated as postponed ~~by law~~ to the next business day.

(4) ~~An institution~~ A credit union may establish the regular hours ~~of for~~ each business day during which ~~each of~~ its branches or offices will be open.

(5) In this section, unless the context otherwise requires—

“business day” means ~~that part of~~ any day ~~or part of a day~~ on which ~~a the~~ credit union is open to the public for ~~carrying on~~ substantially ~~conducting~~ all of its functions or transactions;

“~~legal public~~ holiday” means any day ~~which designated~~ by law ~~is designated or recognised~~ as a ~~legal~~, public holiday, ~~as gazetted~~ by the Government; or a bank holiday under section 62 of the Reserve Bank Act 1983;

“transact” means to take action or non-action the result of which ~~constitutes is~~ a transaction; and

“transaction” means any ~~one or more of the~~ function ~~and or~~ element of ~~the business of a~~ credit union’s ~~business and,~~ ~~includes~~ but ~~is~~ not limited to, ~~the~~ receipt or giving ~~of any~~ notice; ~~the~~ receipt or acceptance of deposits; ~~the~~ transmission, acceptance, payment, ~~or~~ dishonour, and ~~giving~~ notice of dishonour of items; and ~~its other related~~ obligations and duties ~~with respect to all thereof~~.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning. Also, simplifying the sentence in plain English for members to understand.

## **Amendment 97**

**Committee recommendation: Clause 167.**— (1) The authorisations ~~granted to~~ credit unions include authority ~~provided for an institution~~ to close ~~in case of an~~ during emergencies ~~y means and includeing the authority~~ not ~~to opening on any~~ business day ~~and, if having or opened, to closing~~ and suspending business operations if already open.

(2) ~~Where~~ The Reserve Bank may, by proclamation, authorise credit unions located in the affected ~~area or~~ areas to close if it is of the opinion that an emergency exists or is ~~imminent impending, it may, by proclamation, authorise credit unions located within the affected area or areas to close.~~

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning. Also, simplifying the sentence in plain English for members to understand.

## Amendment 98

**Committee recommendation:** Clause 167 (3) The credit unions affected by ~~any~~ such proclamation may ~~close and may~~ remain closed until the Reserve Bank proclaims that the emergency has ended, or until ~~such earlier time as the~~ credit union officers ~~of the institution~~ determine that ~~it is appropriate to the credit union should~~ reopen.

(4) ~~Where the~~ Senior management of a credit union ~~may, are of the opinion that an emergency exists, or is impending, which affects, or may affect, the credit union, have the authority, in the reasonable exercise of their~~ discretion, close the credit union in anticipation of or during an emergency ~~on any business day or days during the continuation of such an emergency,~~ even if the Reserve Bank has not issued ~~and~~ or does not issue a proclamation of emergency.

(5) The credit union office that has been closed may remain closed until such time as the board or senior management determines that the emergency has ended and for such ~~further~~ reasonable time thereafter as may ~~reasonably~~ be required to reopen.

(6) ~~In No case, may a~~ credit union ~~may~~ remain closed pursuant to this section for more than 48 consecutive hours, excluding ~~other legal~~ public holidays, without ~~requesting~~ the prior approval of the Reserve Bank.

(7) A credit union that closes under subsection (3) ~~may give notice of its action to~~ must notify the Reserve Bank ~~of its closure as promptly as conditions~~ soon as reasonably possible ~~permit and~~ by any means ~~reasonably available~~.

(8) The board or senior management ~~of a credit union~~ may close the credit union on any day or days designated by ~~proclamation of~~ the Parliament ~~as a day or days of~~ for mourning, rejoicing, or other special observance.

9) “emergency” means any ~~condition or occurrence~~, actual or threatened ~~condition or occurrence, which that~~ may interfere substantially with the conduct of normal business operations of a credit union or ~~which~~ poses an imminent or existing threat to the safety or security of persons or property, or both; and

“office” means any ~~place~~ location authorised for ~~at which~~ a credit union ~~is authorised~~ to transact its business or conduct operations ~~relating to its business~~.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning. Also, simplifying the sentence in plain English for members to understand.

## Amendment 99



**Committee recommendation: Clause 168.**— (1) A credit union must notify the Reserve Bank of the occurrence of any of the events listed in subsection (2) by filing a disclosure ~~in a form prescribed to be specified~~ by the Reserve Bank.

(2) The ~~prescribed~~ form includes the number and ~~caption~~ description of all applicable events, ~~along with accompanied by~~ a summary of each event.

(3) Completed ~~disclosure~~ forms ~~are to~~ must be certified for authenticity and accuracy by the ~~credit union's~~ general manager or equivalent ~~officer of the credit union~~.

(4) ~~An~~ Events for which disclosure forms must be filed within 10 days of the occurrence of the event must include the following—

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning. Also, simplifying the sentence in plain English for members to understand.

#### **Amendment 100**

**Committee recommendation:** (b) the acquisition or divestiture of any assets, ~~or assets the value of~~ which exceeds 20 per cent of capital ~~value as of the date~~ of the most recent quarter end;

(d) any suspected criminal act perpetrated against ~~a~~ the credit union or ~~its~~ related entities.

(5) No liability is incurred by any credit union or related entities ~~as a result of making for a~~ good faith efforts to ~~fulfil~~ comply with ~~this~~ the disclosure requirement.

(6) A ~~financial institution~~ credit union that fails to file a disclosure form within 10 days after the ~~occurrence~~ event shall be subject to a penalty fine as determined by the Reserve Bank.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

#### **Amendment 101**

**Committee recommendation: 169.**— (1) The following credit union records must be retained permanently ~~in~~ either ~~in~~ their original form or as ~~a certified copyies or reproduction~~ that complies with subsection (5)—

(e) audit reports and opinions, under section 41 or 42, ~~and any including~~ attachments, supporting work papers, and communications between the auditor and the credit union ~~relating to the audit~~; and



(2) The following credit union records, if used, must be retained **for at least 7 years**, in either their original form or as ~~a certified copies or reproduction~~ that complies with subsection (4), ~~for a period of at least 7 years~~—

(4) No liability is accrue against any credit union **for** destroying any such records after the expiration of the period provided in subsection (2)., ~~and in any cause or proceedings in which any requiring~~ such records or files ~~that are called into question or demanded of the credit union or an employee thereof, a showing that such records or files have been~~ were destroyed in accordance with ~~the terms of~~ this section constitutes a sufficient excuse for ~~the~~ failure to produce them.

(5)(d) **film** reproduction ~~on film~~.

**170.**—(1) A transition period of 12 months from the ~~date of~~ commencement **date** of this Act ~~applyies~~ to transactions under subsections (3) to (9).

2) The ~~transition period may be amended by the~~ Minister **may amend the transition period** on the recommendation of the Reserve Bank, by ~~a~~ notice **published** in the Gazette.

(5) All **existing** credit unions and co-operatives **existing** at the date of commencement of this Act continue and are deemed to be licensed or registered under this Act, ~~as applicable,~~ subject to the approval of the Reserve Bank.

(6) The Reserve Bank must assess the information submitted by the Registrar of Credit Unions and the Registrar of Co-operatives against the requirements of this Act ~~in order to make a determination on~~ whether an existing credit union or co-operative is to be licensed or registered under this Act.

(7) The Reserve Bank must provide a decision in writing to each credit union or co-operative as soon as practicable and ~~the Reserve Bank~~ may issue a licence or certificate of registration with or without conditions.

(8) The Reserve Bank may take any corrective or other actions authorised under this Act ~~with in~~ respect ~~to~~ of non-compliance ~~of~~ by a credit union.

**Justification:** Removing unnecessary words to improve clarity and readability without altering the original meaning.

## **Amendment 102**

**Committee recommendation:** **Clause 172.** (2) (b) in the definition of “managed investment or managed investment scheme” **by** deleting “Credit Union Acts 1954” and substituting “Credit Union Act 2025”.

(3) The Personal Property Securities Act 2017 is amended in section 2, in the definition of “financial institution” **by** deleting “Credit Unions Act 1954” and substituting “Credit Union Act 2025”;

(5) The Companies (Wholesale Corporate Bonds) Regulations 2021 is amended in regulation 4(1)(b) **by** deleting “Credit Unions Act 1954” and substituting “Credit Union Act 2025”.

(6) The Land Transport (Public Service Vehicles) Regulations 2000 is amended in regulation 11A, **by** deleting “Credit Unions Act 1954” and substituting “Credit Union Act 2025”.

**Justification:** For clarity & understanding purposes.

**Note:** The clause-by-clause amendments discussion, along with the final drafting instructions agreed upon with the Reserve Bank of Fiji and the Solicitor-General, together with the Committee’s final comments, is presented in the annexed table to this Review Report.

## 5.0 Gender Analysis and Sustainable Development Goals



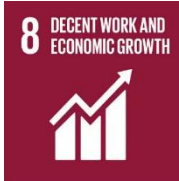


Gender is a critical dimension to parliamentary scrutiny. Under Standing Order 110(2) where a committee conducts an activity listed in clause (1), the Committee shall ensure full consideration will be given to the principle of gender equality to ensure all matters are considered regarding the impact and benefit on both men and women equally.

The Committee considered the issue of equal opportunity for all citizens including women and men during the advertisement of its public notice which calls for public submission during the consultation process of the Bill.

The breakdown of the percentage males and females who attended the consultations are as follows:

Place	Percentage Female Attended	Percentage Male Attended
Suva	75%	35%
Nausori	100%	-
Savusavu	5%	95%
Labasa	37%	63%
Sigatoka	24%	76%
Nadi	-	100%
Ba	-	100%
Tavua	-	100%
Rakiraki	60%	40%

The Committee is satisfied that the matters considered in this report will impact on both men and women equally in Fiji. In fact, during the Committee consultations in the Central, Western and Northern divisions, it was evident that both women and men will benefit.

SDGs	HOW CREDIT UNIONS CONTRIBUTED
<b>SDG 1 – No Poverty</b>  	<p>Credit unions support savings and small loans for low-income earners, helping families build assets and financial security.</p>
<b>SDG 5 – Gender Equality</b>  	<p>Credit unions promote women's economic empowerment through access to credit, equal participation in decision-making, and leadership opportunities.</p>
<b>SDG 8 – Decent Work &amp; Economic Growth</b>  	<p>Credit unions promote inclusive finance for micro and small enterprises, fostering employment and productivity.</p>
<b>SDG 10 – Reduced Inequalities</b>  	<p>They provide accessible financial services to rural and underserved communities, helping reduce financial disparity.</p>
<b>SDG 16 – Peace, Justice &amp; Strong Institutions</b>  	<p>Credit unions uphold transparent governance and democratic decision-making, ensuring accountability to members.</p>

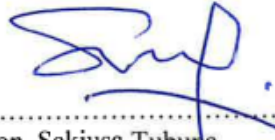
## **6.0 Conclusion**

In conclusion, the Credit Union Bill represents a comprehensive mechanisms for risk management, member protection, and institutional sustainability, ensuring that credit unions operate in a secure and competitive manner within the broader financial system. In doing so, it effectively addresses longstanding structural and operational deficiencies that have impeded the development and growth of credit unions in Fiji.

Bill serves as a pivotal reform aimed at modernising and strengthening Fiji’s credit union sector, fostering inclusivity, resilience, and greater contribution to the country’s financial development.

Through this bipartisan effort, the Committee confidently commends the Credit Union Bill 2025 (Bill No. 29 of 2025) to Parliament, believing it will significantly contribute to the economic growth and development for Credit Unions in Fiji.

## 7.0 Members' Signature



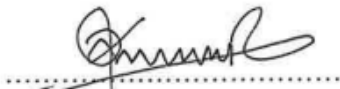
Hon. Sakiusa Tubuna  
**Chairperson**



Hon. Premila Kumar  
**Deputy Chairperson**



Hon. Semi Koroilavesau  
**Member**



Hon. Shalen Kumar  
**Member**



Hon. Kalaveti Ravu  
**Member**



Hon. Alipate Tuicolo  
**Member**

## 8.0 Annexure

### Published evidence

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- Written evidence, transcripts and supporting documents can be viewed on the Parliament website at the following link:  
<https://www.parliament.gov.fj/committees/standing-committee-on-economic-affairs/>