STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Mahogany Bill (Bill No. 45 of 2025)

PARLIAMENT OF THE REPUBLIC OF FIJI
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CHAIRPERSON'S FOREWORD

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

The Bill is seeks to repeal and replace the Mahogany Industry Development Act 2010, except for section 12(1) and paragraphs 2, 3, 4 and 5 of Schedule 4 and the Mahogany Industry (Licensing and Branding) Act 2011, with a single unified framework that addresses the governance, benefit-sharing, dispute resolution, and institutional oversight across the sector.

It seeks to formalise key institutions within the sector by establishing the Mahogany Forum and the Mahogany Tribunal, in addition to strengthening the roles of the Company and the Trust.

The Bill further provides for the financing of these institutions, while ensuring equitable benefit-sharing arrangements for landowners. It also promotes sound principles of governance and management in the operation of the Company and the Trust, and prescribes standard provisions and processes to coordinate activities across all sectors of the industry. In addition, the Bill encourages conciliation and provides mechanisms for the prevention and amicable settlement of disputes, as well as efficient processes for resolving disputes that cannot be settled through agreement, with minimal legal formality and technicality.

The Bill establishes and strengthens several key institutions within the mahogany industry framework. The Fiji Hardwood Corporation Pte Limited is repositioned from a state-centric corporation to a shared-interest enterprise, reflecting greater stakeholder participation. The Fiji Mahogany Trust transitions from a primarily administrative body to a high-accountability fiduciary institution with enhanced oversight responsibilities.

The Bill further introduces the Mahogany Forum as a multi-stakeholder coordination body tasked with facilitating dialogue, providing policy advice, preventing disputes, and coordinating industry matters, with the ability to refer unresolved issues to the Tribunal. In addition, the Mahogany Tribunal is established as a quasi-judicial body to resolve disputes within the industry prior to recourse to the courts, with its decisions subject only to judicial review by the High Court on procedural grounds.

Finally, the Bill provides for the creation of the Landowner Equitable Benefit Fund, which is to be administered by the Fiji Mahogany Trust to ensure equitable distribution of benefits to landowners.

As part of the review, the Committee conducted public consultation in targeted areas to gather opinions and feedback from the public. The Committee received support and commendation on the introduction of the amendment Bill, from majority of the public that had participated in the public consultation. However, like most activities that impact the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

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

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

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

I, on behalf of the Committee, commend the **Mahogany Bill** ***(Bill No. 45 of 2025)*** to the Parliament and seek support of all the members of this August house for the Bill.

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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

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

Hon. Ratu Rakuita Vakalalabure
(Chairperson)

Hon. Faiyaz Koya
(Deputy Chairperson)

Hon. Jone Usamate
(Member)

Hon. Sachida Nand
(Member)

Hon. Ratu Isikeli Tuiwailevu
(Member)

Hon. Ratu Josaia Niudamu
(Member)

COMMITTEE SECRETARIAT

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

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk
- Mr. Jeke Rokotuiloma – Assistant Committee Clerk

Committee contact details

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1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the Mahogany Bill 2025 for review on December 2025. The Bill was referred to the Committee in accordance with SO 51(2), which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the Mahogany Bill 2025 (Bill No. 45 of 2025). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill, which aims to repeal and replace the Mahogany Industry Development Act 2010, except for section 12(1) and paragraphs 2, 3, 4 and 5 of Schedule 4 and the Mahogany Industry (Licensing and Branding) Act 2011.

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

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

1.3 Committee Remit

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

2.0 MAHOGANY BILL (BILL NO. 45 of 2025)

2.1 Introduction

The Mahogany Bill 2025 marks the most significant overhaul of Fiji's mahogany legislative framework in more than a decade, and it reflects the collective insights and aspirations of landowners, industry operators, statutory bodies and government stakeholders. It establishes a comprehensive legal framework to support the equitable, transparent, and sustainable development of Fiji's mahogany industry. It replaces earlier legislation from 2010 and 2011 and restructures governance, benefit-sharing, dispute resolution, and institutional oversight across the sector.

2.2 Objectives of the Bill

The objectives of this Act are to—

(a) establish a legal framework for the equitable and sustainable growth and development of the industry;

(b) establish the Forum and the Tribunal, in addition to the Company and the Trust, as institutions of the industry;

(c) provide for the financing of the Forum, the Tribunal, the Company and the Trust and equitable benefit sharing for the landowners;

(d) promote principles of governance and management of the Company and the Trust;

(e) prescribe standard provisions and processes, and to co-ordinate activities of all sections of the industry, in order to promote and manage goodwill and harmony between them;

(f) encourage and provide means for conciliation with a view to prevention and settlement of all disputes within the industry by amicable agreement; and

(g) provide a means for preventing and settling disputes within the industry which are not resolved by amicable agreement with maximum expedition and minimum legal form and technicality.

3.0 COMMITTEE'S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the Mahogany Bill was the result of a comprehensive review and analysis of the Mahogany Industry Development Act 2010 and the Mahogany Industry (Licensing and Branding) Act 2011.

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

3.2 Bill Summary

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

Part 1 of the Bill contains clauses 1 to 5 and includes the short title, commencement and interpretation clause which provides for the definition of terms used throughout the Bill.

Part 2 of the Bill contains clauses 6 and 7 and relates to the Fiji Hardwood Corporation Pte Limited (**'Company'**) and contains provisions which detail the purpose and role of the Company in the mahogany industry.

Part 3 of the Bill contains clauses 8 to 13 and relates to the Fiji Mahogany Trust (**'Trust'**) and introduces principles of governance, reporting and accountability for the Trust. This Part also links to Schedule 1 to the Bill, which details changes to be effected to the Trust Rules, and to Schedule 2 to the Bill, which sets out the principles of governance and responsible management which the Trust will be held accountable to.

Part 4 of the Bill contains clauses 14 to 20 and establishes the Mahogany Forum and defines its functions, powers, reporting, accountability and financing mechanism.

Part 5 of the Bill contains clauses 21 to 32 and establishes the Mahogany Tribunal and provides for its functions, powers, reporting, accountability and financing provisions.

Part 6 of the Bill contains clauses 33 and 34 and establishes the Landowner Equitable Benefit Fund to be administered by the Trust.

Part 7 of the Bill contains clauses 35 to 41 and provides for the miscellaneous provisions including savings, transitional and repeal provisions to allow for the smooth transition to the new legislation.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then held extensive discussions on the Clauses and identified certain provisions that merit proper consideration. These discussions resulted in the identification of a few issues, which the Committee placed as priority issues raised by the Ministry of Forestry to be further discussed and deliberated on with the drafters.
Based on the initial reading of the clauses, the Committee compared the content of the submissions made on the Bills and the main issues noted from these discussions are as follows:

Annual Reports
The Committee recommended including the interpretation of Fiji Hardwood Corporation Limited annual reports.

Business Plan
The Committee recommended including the Fiji Hardwood Corporation Limited business plan in this interpretation.

Mahogany Plantation Land
The Committee sought clarification on which legislation governs this matter, particularly regarding land ownership and property rights, and how does it apply beyond the mahogany leased land itself. Additionally, the Committee sought clarification on whether the Bill applies only to FHCL-managed plantations, covers all mahogany plantations in Fiji, and how will non-FHCL plantations be treated.

Part 4: Mahogany Forum
The Committee noted that the Forum could duplicate structures, increase costs, and overlap with the FHCL Board and sought clarification on its purpose, need, and how concerns will be handled if it is removed.

Part 5: Mahogany Tribunal
It was noted that the main issue was the tribunal's scope, with reference to whether the Licensing Tribunal already covers these matters. Any needed amendments will depend on its terms of reference.

Landowner Equitable Benefit Fund
The Committee noted concerns that benefit-sharing on gross sales could harm viability and reinvestment, while others stressed the need for clear landowner benefits, and sought clarification on how payments are calculated, safeguards, and any supporting analysis.

Ministerial authority and independence of the board

The Committee raised concerns regarding the balance between ministerial authority and the commercial independence of the Board, particularly the extent of ministerial discretion and whether Board recommendations are binding or merely advisory. Concerns were also raised about the need for safeguards to prevent politically motivated decisions that may undermine the sustainability and autonomy of the company.

Sustainability of land leases

The Committee sought clarification on how the Bill improves returns and balances landowner and industry interests as there were concerns that low benefit-sharing may discourage lease renewals, lead landowners to reclaim land, and affect industry stability.

Consequential amendments

The Committee raised concerns that the Bill does not clearly amend existing laws, address conflicts, or establish legal hierarchy, and sought clarification on how it interacts with relevant statutes and whether consequential amendments are required.

The Committee also made comparative analysis on the Principal Acts 2010 and 2011, and the Mahogany Bill 2025. The main issues noted from these findings are tabulated as follows:

Tabulated Summary of Key Differences:

Issue / Area	2010 & 2011 Acts – Position	Mahogany Bill 2025 – Proposed Change
Overall legislative structure	Two separate Acts addressing development, licensing, and branding in a fragmented manner	Single, consolidated Act governing the entire mahogany industry
Landowner role	Landowners mainly passive recipients of benefits	Landowners recognised as active stakeholders with participation rights
Governance principles	No comprehensive statutory governance framework	Binding principles of governance and responsible management (Schedule 2)
Fiji Mahogany Trust oversight	Trust existed, but with limited statutory accountability	Enhanced accountability, audits, reporting, statements of intent, and business plans
Landowner benefit mechanism	Benefit sharing existed but was diffuse and less transparent	Statutory Landowner Equitable Benefit Fund with defined income sources
Industry coordination body	No permanent multi-stakeholder industry forum	Establishment of the Mahogany Forum representing landowners, government, and industry

Dispute resolution	Disputes largely resolved through courts or informal processes	Mandatory Tribunal-first dispute resolution
Mahogany Tribunal	No dedicated specialist tribunal	Establishment of Mahogany Tribunal with expert membership
Judicial review	General court jurisdiction over merits	Courts limited to judicial review on legality, fairness, irrationality
Fiji Hardwood Corporation role	Dominant commercial actor with fewer statutory constraints	Commercial role linked to equity, transparency, and landowner priority
Business opportunities	a	Right of first opportunity for Trust and landowners
Shareholding structure	Government retained full ownership	Mandatory transfer of 20% of Company shares to the Trust
Funding of institutions	Lower and less explicit institutional funding requirements	All institutions funded via levies on log sales
Financial accountability	Basic financial reporting	Mandatory audited accounts and public reporting for all bodies
Ministerial influence	Strong but less structured	Retained, but accompanied by clearer governance and skill-based requirements
Environmental regulation overlap	Less clarity on interaction with environmental laws	Clarifies Forestry Act 2025 primacy in licensed activities

3.4 Submission received via public consultation

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

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

1. <u>Ministry of Forest</u>

Mahogany Forum

The Ministry has recommended removing the Mahogany Forum from Part 4 of the Mahogany Bill 2025. Instead of having a separate forum, any issues or concerns can be taken directly to the Fiji Hardwood Corporation Limited (FHCL) Board. The Board will act as an independent commercial body and make decisions on matters that would have previously gone through the Forum. This change is meant to simplify the system, reduce duplication, and make the decision-making process more efficient by placing responsibility with one central authority..

In essence, the removal of the Mahogany Forum is intended to make the system more efficient, with the FHCL Board serving as the main body for addressing issues and guiding the industry's development. However, it also means that stakeholders lose a dedicated forum space, which could raise questions about whether their voices will be as directly heard under the proposed structure.

Mahogany Tribunal

The Ministry has suggested that Part 5 of the Mahogany Bill 2025, which establishes the Mahogany Tribunal, should be removed. Under this proposal, all social and operational issues would be handled directly by the Fiji Hardwood Corporation Limited (FHCL) Board. For licensing matters, any appeals would no longer go to the Mahogany Tribunal but instead be referred to the Licensing Tribunal that already exists under the Forest Act of 2025.

This change is intended to simplify the governance structure of the mahogany industry by consolidating responsibilities within the FHCL Board and relying on the established forestry tribunal for licensing disputes. In practice, it reduces duplication of roles and ensures that licensing appeals are managed consistently under the broader forestry legal framework, while everyday industry concerns remain under the FHCL Board's authority.

2. <u>Fiji Hardwood Corporation Limited</u>

The Bill would significantly change FHCL's role and operations, creating conflicts with the Public Enterprises Act 2019 and the Companies Act 2015. First, it shifts FHCL's purpose away from being a profit-driven public enterprise to an industry development body, which goes against its statutory objectives. Second, it undermines the authority of FHCL's Board by introducing the Mahogany Forum and Tribunal, exposing directors to conflicting duties and personal liability.

The Bill also introduces dual ministerial control, giving the forestry minister powers over FHCL matters that should fall under the Minister for Public Enterprises. It allows for compulsory charges on log sales, which could be set at levels that threaten FHCL's financial viability. Another major issue is the forced transfer of 20% of FHCL shares to the Fiji Mahogany Trust without proper valuation, diluting government ownership and altering fiduciary responsibilities.

Further concerns include restricting access to courts by requiring Tribunal processes before litigation, which undermines commercial certainty. Finally, the Bill poses risks to FHCL's international trade and financing, as it could jeopardize certification progress (such as FSC) and reduce bankability, making borrowing more expensive and limiting reinvestment.

It was further noted that the Bill, as currently drafted, would weaken FHCL's ability to operate as a profitable and efficient enterprise. It introduces conflicts with existing laws, creates governance and financial risks, and undermines FHCL's statutory objectives. These issues could harm both the company and its sole shareholder, the Government of Fiji.

However, FHCL has recommended that the Bill be redrafted so that it aligns with the Public Enterprises Act 2019, the Companies Act 2015, sound corporate governance principles, and FHCL's financial sustainability. This approach would ensure that the mahogany industry can be developed responsibly while preserving FHCL's role as a commercially viable enterprise that supports national economic growth.

3. Public submissions

Support for the Mahogany Forum:
A submission from Nadarivatu and Seaqaqa requested that the Forum be retained in the Bill, noting that it serves as an important mechanism for receiving and addressing landowner grievances.

Opposition to the Mahogany Forum:
Conversely, some participants expressed opposition to the establishment of the Forum, indicating a lack of consensus among stakeholders.

Role of the Fiji Mahogany Trust (FMT):

Concerns were raised by stakeholders from Galoa Station regarding the role and position of the Fiji Mahogany Trust under the proposed fraework. In particular, clarification was sought as to whether landowners would continue to engage with FMT or whether its functions would be absorbed or replaced under the new structure.

Shareholding and Retrospective Claims:

Queries were raised on whether landowners would be entitled to claim an additional 10% shareholding retrospectively (prior to the commencement of the Act). This issue highlights concerns regarding equitable distribution and historical entitlements.

Funding of the Forum and Tribunal:

A key concern raised at the Civic Centre consultations was that, under the proposed Bill, the Forum would be funded from landowner proceeds. As an alternative, it was suggested that the existing Forum and Tribunal established under the *Forestry Act* be utilised instead, as these are funded by the Government. This approach would reduce the financial burden on landowners and avoid deductions from their share of proceeds.

Duplication of Functions:

It was noted that the Board of the Fiji Mahogany Trust (FMT) currently performs functions similar to those proposed for the Forum. Submitters expressed concern that establishing an additional Forum would duplicate processes unnecessarily, given that the FMT already undertakes comparable roles.

Integration with Existing Forestry Structures:

It was suggested that, instead of establishing a new Forum, two representatives from the FMT be incorporated into the already established forum under the *Forestry Act*. This approach is viewed as more efficient and would minimise administrative costs, thereby reducing potential deductions from the 20% share of profits allocated to landowners.

Concerns on Representation:

Some submitters raised concerns that the proposed Forestry Forum and Tribunal may become government-dominated, thereby limiting adequate representation of landowners. This concern applies to both the Forum and the Tribunal structures.

Funding of Institutions:

Concerns were raised, regarding the funding arrangements for both the Forum and the Tribunal, particularly in terms of financial sustainability and administrative costs.

Landowner Revenue Entitlements

The Committee noted that landowners are entitled to a 20% shareholding in the Fiji Hardwood Corporation Limited (FCHL); for instance, where FCHL generates proceeds of $5 million, 20% of that amount is to be distributed to landowners whose land is leased under FCHL arrangements. The Committee further observed that proceeds from harvested logs are also intended to be distributed to landowners; however, the Bill does not specify the percentage allocation for such distributions.

Sustainable of Profit-Sharing model

While some submitters proposed that landowners receive a 10% share of log proceeds, the Committee noted that recovery rates from logs generally range between 40% to 50%. Accordingly, the Committee emphasised that any profit-sharing arrangement must take into account the need for operational sustainability. It cautioned that setting the percentage too high could undermine the viability of forestry operations, and stressed that the overarching objective is to ensure long-term sustainability rather than compromise a viable revenue-generating industry.

Mr. Viliame Rokovu clarified that the Ministry currently operates through the Forestry Council and that its primary role is regulatory in nature. In this capacity, the Ministry functions as a licensing authority and tribunal responsible for investigating grievances. It was further explained that the rationale for establishing the proposed Forum is to create opportunities for landowners to participate more actively in forestry-related business operations.

Landowner Shareholding in FCHL (Clause 37 – 20%)

The Committee noted that, under the current framework, the Government holds 100% ownership of shares in the Fiji Hardwood Corporation Limited (FCHL). The Bill, however, introduces a new arrangement whereby 20% of the shares in FCHL are to be allocated to landowners.

Concerns Raised by Submitters on Shareholding percentage:

Concerns were raised regarding the adequacy of the proposed 20% shareholding, with some submitters emphasising that landowners have historically and traditionally owned the land through their ancestors but continue to have limited effective participation under existing arrangements. In light of this, it was suggested that the landowner shareholding be increased to 70% in order to ensure a more equitable and meaningful distribution of benefits.

The Ministry of Forestry emphasised the importance of sustainable forest management in determining any benefit-sharing arrangements under the proposed framework. It further noted that landowners may explore alternative revenue opportunities, such as carbon trading, by preserving mahogany forests. The Ministry indicated that, in certain circumstances, the returns derived from carbon trading could potentially exceed those obtained from a 20% shareholding in Fiji Hardwood Corporation Limited (FCHL).

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

3.6 Sustainable Development Goals Impact Analysis

Consideration was placed on the SDG 15 which focuses on protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.[1]

SDG 15.6 – Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed.

The Committee notes that the Bill is designed to modernize the industry by ensuring landowners have stronger representation, creating fairer revenue distribution, and introducing transparent licensing and governance systems to balance economic growth with sustainable forestry practices.

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

[1] THE 17 GOALS | Sustainable Development

3.7 Outcome of Review

The outcomes of the review are reflected in the revisions to the Mahogany Bill proposed by the Committee to Parliament.

We are firmly of the view that the revisions made maintain the spirit of the intent of the original bill, whilst making improvements in key areas that have been highlighted in this report.

Clause	Recommendation by the Committee
"**annual report**" means the Trust's annual report required under section 11;	Committee suggest to delete definition of "annual report" as there is no singular meaning for the term "annual report" that consistently applies throughout the Bill.
"**business plan**" means the business plan of the Trust as described in Schedule 2;	"Company" is a term used in the interpretation provisions in clause 2 to mean "the Fiji Hardwood Corporation Pte Limited", and therefore suggest amendment to the term to read as: "business plan" means the business plan of the Trust as described in Schedule 2, <u>and the business plan of the Company</u>"
"**mahogany plantation land**" means any land owned or leased for the purpose of growing mahogany trees;	"Company" is a term used in the interpretation provisions in clause 2 to mean "the Fiji Hardwood Corporation Pte Limited", and therefore suggest amendment to the term to read as: '" mahogany plantation land" means any land owned or leased <u>by the Company</u> for the purpose of growing mahogany trees"

4. The objectives of this Act are to— **(d)** promote principles of governance and management of the Company and the Trust;	Suggest to remove clause (d) and replace with new clause as follows: Promote integrated, transparent and efficient governance and forest management, in close collaboration with the Company and the Trust, promoting inter-agency coordination, streamlined forestry approval processes and enforcement mechanisms.
6. (2) In achieving its purpose, the Company must— **(b)** at the beginning of each calendar year, consult and work together with the Ministry of Forestry and the Trust, in designing and implementing an implementation plan to ensure that the, forest-based trusts, forest-based companies, and landowners, are fully informed, consulted, and prepared to take advantage of any business opportunities created by, or related to, the Companie's annual business plan;	It was noted that the provision redefines the purpose of Fiji Hardwood Corporation to be "equitable and sustainable" and introduces mandatory consultation and opportunity - allocation constraints. These obligations restricts FHCL's independent commercial judgement and conflict with its commercial objectives. Therefore, the Committee recommends for the removal of clause 6(2)(b).
6(2)(e) not present any potential business opportunity to any party other than the Trust, or forest-based trusts, or forest-based company, or landowner unless, the Trust, forest-based trusts, forest-based company, and the landowner have first been presented with the same potential business opportunity and	Committee recommends for the removal this clause to ensure inclusiveness and equal business opportunity to all stakeholders within the Mahogany industry.

(i) advised the Company in writing that they will not be taking up the potential business opportunity; or have not advised the Company of their intention to take up the potential business opportunity within 60 days from the date of receipt of that notice of the potential business opportunity by the Trust, forest-based trust, forest-based company, or landowner; and	
Clause 7	**<u>New subclause 2</u>** Distribution of Charges and shall be read as ; **“(2)** The administration and operations of the Trust may be partially funded by the Company”
Clause 38(3) Schedule 2 of the Environment Management Act 2005 does not apply to any activity which is licensed, or certified by the Conservator, under the Forest Act.	Clause 38(3) is redundant given that Schedule 2 of the Environment Management Act 2005 is intended to apply. The Committee recommends that clause 38(3) be deleted.

4.0 CONCLUSION

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

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

The Committee through this report commends the ***Mahogany Bill (Bill No. 45 of 2025)*** to the Parliament.

MEMBER'S SIGNATURES

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Hon. Ratu Rakuita Vakalalabure
(Chairperson)

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Hon. Faiyaz Koya
(Deputy Chairperson)

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Hon. Jone Usamate
(Member)

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Hon. Ratu Josaia Niudamu
(Member)

....
Hon. Sachida Nand
(Member)

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

DATE: 26/05/26