

YAQONA (KAVA) BILL 2026
(BILL NO. 28 OF 2026)

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BILL NO. 28 OF 2026**A BILL**

FOR AN ACT TO ESTABLISH THE FIJI YAQONA COUNCIL FOR THE PURPOSE
OF THE REGULATION AND MANAGEMENT OF THE YAQONA INDUSTRY
IN FIJI AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY*Short title and commencement*

1.—(1) This Act may be cited as the Yaqona (Kava) Act 2026.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

2. In this Act, unless the context otherwise requires—

“annual general meeting” includes the annual general meeting and a special general meeting convened under section 37;

“Chief Executive” means the chief executive appointed under section 16;

“Chairperson” means the chairperson of the Council;

- “Council” means the Fiji Yaqona Council established under section 5;
- “member” means any member of the Council appointed under section 7;
- “Minister” means the Minister responsible for agriculture;
- “Ministry” means the ministry responsible for agriculture;
- “Permanent Secretary” means the permanent secretary responsible for agriculture;
- “yaqona” or “kava” means whole plants or parts (roots or stems) of the *Piper methysticum* species whether in the dried or fresh form, and includes imported yaqona;
- “Yaqona operator” means any person who is engaged in the business of cultivating, manufacturing, processing, packaging, offering for sale, importing and exporting yaqona or Yaqona products;
- “Yaqona product” means any product prepared from yaqona, and includes extracts of yaqona for beverage, pharmaceutical or dietary purposes; and
- “Yaqona Working Group” means the Yaqona Working Group established under section 15.

Objectives

3. The objectives of this Act are to—

- (a) establish a Council that oversees the administration and management of yaqona business in Fiji;
- (b) protect the interest of Yaqona operators;
- (c) promote the value addition and exportation of yaqona;
- (d) provide for an operating fund for the purpose of the management of the Council; and
- (e) provide for incidental matters.

Administration of Act

4. For the efficient administration of this Act, the Minister may, in writing, delegate to the Council any power, function or responsibility conferred on the Minister under this Act, other than the powers to make regulations.

PART 2—FIJI YAQONA COUNCIL

Establishment of Fiji Yaqona Council

5. This section establishes the Fiji Yaqona Council as a body corporate with perpetual succession and a common seal, with power and capacity—

- (a) to sue and be sued;
- (b) to take, purchase, hold, charge, sell, exchange, lease, or otherwise dispose of moveable or any immovable property of any description;

- (c) to enter into contracts, to appoint agents and attorneys, to engage consultants, to fix charges and other terms for services and other facilities it supplies; and
- (d) to perform any other act that a body corporate is entitled to under this Act or any other written law.

Common seal

6.—(1) The Council must have a common seal which may be broken, changed, altered or made anew as the Council thinks fit.

(2) All deeds and documents requiring the seal of the Council must be sealed with the common seal of the Council.

(3) All instruments to which the common seal is affixed must be signed by the Chief Executive or any person duly authorised to sign on his or her behalf.

Composition of Council

7.—(1) The Council consists of 16 members appointed by the Minister, which are made up of—

- (a) 8 *ex-officio* members; and
- (b) 8 members representing the private sector.

(2) The *ex-officio* members consist of—

- (a) the Permanent Secretary as the Chairperson;
- (b) one member representing the Ministry other than the Chairperson;
- (c) the permanent secretary responsible for commerce or his or her representative;
- (d) the permanent secretary responsible for health or his or her representative;
- (e) the permanent secretary responsible for rural and maritime development or his or her representative;
- (f) the permanent secretary responsible for foreign affairs or his or her representative;
- (g) the permanent secretary responsible for iTaukei affairs or his or her representative; and
- (h) the Chief Executive Officer of the Biosecurity Authority of Fiji or his or her representative.

(3) The 8 members who represent the interests of the private sector must comprise—

- (a) 4 members nominated by the Yaqona Working Group; and
- (b) 4 additional Yaqona operators.

(4) A member appointed under subsection (3) must be nominated by the relevant sector or body specified in that subsection, and the Minister must appoint from among the persons nominated.

Term of office

8.—(1) An *ex-officio* member serves on the Council for as long as they hold the office by virtue of which they were appointed, and their membership ends when they cease to hold that office.

(2) A member appointed under section 7(3) holds office for a term not exceeding 3 years and is eligible for re-appointment but must not hold office for more than 6 consecutive years.

(3) Any member may resign from his or her office at any time by giving not less than 30 days' notice in writing to the Minister.

(4) If a member dies, vacates office under section 9, or has his or her appointment revoked, the Minister may appoint any person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

Vacation of office

9.—(1) A member of the Council vacates office if—

- (a) the member resigns;
- (b) the member is absent, without the permission of the Chairperson, from 3 consecutive meetings of the Council;
- (c) the member becomes bankrupt or enters into insolvency proceedings with creditors;
- (d) the member is convicted of an offence involving dishonesty or fraud;
- (e) the member is declared to be of unsound mind or otherwise incapable of performing the functions of office; or
- (f) the member ceases to hold any qualification or represent any organisation or office which was the basis of the appointment.

(2) The powers of the Council are not affected by any vacancy in its membership.

Powers of Council

10. The Council has the power to—

- (a) enforce any standard made under this Act; and
- (b) perform any other function conferred by this Act or any other written law.

Functions of Council

11. The Council may do anything necessary or convenient to be done for its functions, and for this purpose, must—

- (a) develop, promote and implement initiatives, guidelines and standards aimed at regulating the cultivation, processing, transportation, and international trade or marketing of domestic yaqona;

- (b) register and licence Yaqona operators;
- (c) work in cooperation with the relevant Government department, institution and any other person interested in the industry on matters related to the industry, including assisting in the development and implementation of Government policies;
- (d) ensure that yaqona that is grown and exported from Fiji meets regional and global quality standards;
- (e) advise or make recommendations to the Minister on matters relating to the yaqona industry;
- (f) formulate, develop, approve and implement research plans for the industry;
- (g) improve the capacity and efficiencies relating to the cultivation, production, processing, transportation and marketing of yaqona and related matters;
- (h) recommend for the Minister's approval, fees to be paid or charges to be levied, in respect of programmes and registration or otherwise;
- (i) provide facilities or services for the purposes of improving the industry, including facilitating funding assistance for research and marketing, and gathering or dissemination of information relevant to the industry;
- (j) formulate, develop, approve and implement standards for the industry, including certification and quality standards for cultivation, production, processing and marketing of yaqona; and
- (k) perform any other function as may be assigned by the Minister.

Meetings of Council

- 12.—**(1) At a meeting of the Council, 12 members constitute a quorum.
- (2) The Chairperson must preside at the meeting of the Council.
- (3) In the absence of the Chairperson, the members present must elect one of the members to preside.
- (4) The Council must meet at least 4 times a year at such times and places as the Chairperson may determine.
- (5) All questions arising at any meeting must be decided by a majority of votes of the members present and voting.
- (6) At any meeting of the Council, the Chairperson or, in the Chairperson's absence, the member presiding at the meeting, in the case of an equality of votes, has a casting vote.
- (7) The Council may regulate its own procedures for the conduct of its meetings.
- (8) The Council may invite, on conditions as it may determine, experts on a relevant subject matter to a meeting of the Council for the purpose of obtaining their views provided that the experts do not have any right to vote on any matter before the Council.

(9) During its deliberations, any member of the Council who has a direct or indirect interest in any matter under discussion must disclose the fact and nature of such interest.

Delegation of powers

13.—(1) The Council may, in respect of a specified matter or class of matters, by writing, delegate any of its powers to—

- (a) a member;
- (b) a committee of the Council; or
- (c) an officer of the Council.

(2) A member, committee or officer purporting to act pursuant to a delegation under this section may only do so upon receiving written instruction from the Chairperson.

Protection from liability

14.—(1) No civil or criminal proceedings lie against the Council for anything the Council or anyone acting or purporting to act on behalf of the Council does or has failed to do in the course of the exercise or purported exercise of the powers or performance or purported performance of the functions of the Council, unless it is shown that the Council did not act in good faith or with reasonable care.

(2) No civil or criminal proceedings lie personally against any member or officer of the Council for anything the member or officer does or has failed to do in the course of the exercise or purported exercise of the powers or performance or purported performance of the functions of the Council, unless it is shown that the member or officer did not act in good faith or with reasonable care.

Yaqona Working Group

15.—(1) The Council must establish a Yaqona Working Group for the purpose of—

- (a) providing a forum for consultation between Yaqona operators and the Council;
- (b) identifying challenges affecting the cultivation, production, marketing and export of yaqona;
- (c) developing strategies and recommendations for the sustainable growth of the yaqona industry;
- (d) assisting in the formulation, review and implementation of policies, standards and programmes relating to the yaqona industry; and
- (e) facilitating communication and coordination between Yaqona operators and the Council.

(2) The Yaqona Working Group consists of one representative from each province in Fiji, elected by registered Yaqona operators from that province in a manner that may be prescribed by regulations.

(3) A person is eligible for election to the Yaqona Working Group if the person—

- (a) is a registered Yaqona operator under this Act; and

(b) satisfies any other requirements prescribed by regulations.

(4) The Yaqona Working Group must meet at least twice in each calendar year and may regulate its own procedures.

(5) The Yaqona Working Group may submit recommendations, reports and proposals to the Council on any matter relating to the yaqona industry.

(6) The Council must consider any recommendation made by the Yaqona Working Group and may provide a written response on any matter referred to it.

(7) In accordance with section 7(3)(a), the members of the Yaqona Working Group must nominate from amongst themselves, in accordance with its procedures, 4 representatives to serve on the Council.

(8) A representative nominated under subsection (7) is deemed to represent the interests of Yaqona operators throughout Fiji and must report to the Yaqona Working Group on matters considered by the Council.

(9) The Minister may make regulations prescribing matters relating to—

- (a) the election of members of the Yaqona Working Group;
- (b) the term of members of the Yaqona Working Group;
- (c) the conduct of meetings; and
- (d) any other matter necessary for the effective operation of the Yaqona Working Group.

PART 3—ADMINISTRATIVE PROVISIONS

Chief Executive

16.—(1) The Council must appoint a Chief Executive to be responsible for the executive and day-to-day management of the Council.

(2) The Chief Executive must possess appropriate qualifications and proven experience in management, agronomy or any related discipline.

(3) The Chief Executive is entitled to such salary and any allowance or benefit determined necessary by the Higher Salaries Commission, in accordance with the Higher Salaries Commission Act 2023.

Powers and functions of Chief Executive

17. Subject to the provisions of this Act, any other written law and any resolution passed at a meeting of the Council, the Chief Executive must do all things necessary or convenient to be done in connection with, or incidental to, the performance of his or her duties, and without limiting the generality of the foregoing, he or she is responsible to the Council for the following functions—

- (a) preparation of the minutes of the meetings of the Council;
- (b) assisting the Chairperson to convene the meetings of the Council;

- (c) implementation of the resolutions of the Council;
- (d) maintenance of the records of meetings of the Council;
- (e) management and control of the financial matters of the Council;
- (f) recruitment, appointment, promotion and disciplinary control of the officers of the Council; and
- (g) any other function assigned by the Council.

Appointment of officers, staff etc

18. The Chief Executive may, as delegated by the Council, appoint, discipline, and terminate officers and staff of the Council.

PART 4 — FINANCIAL PROVISIONS

Funds of Council

19.—(1) The funds of the Council comprise of—

- (a) money appropriated by Government for the purposes of this Act by Parliament;
- (b) all gifts, donations and contributions to the Council;
- (c) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Council;
- (d) funds borrowed by the Council; and
- (e) any other other funds lawfully received by the Council.

(2) The Chief Executive is the principal accounting officer of the Council.

Financial year

20. The financial year of the Council is the calendar year.

Accounts of Council

21. The Council must keep proper accounts and other records in respect of its operations in accordance with the requirements under the Financial Management Act 2004.

Annual reports and audit of accounts

22.—(1) The Council must cause to be submitted to the Minister, the annual report and audited financial statements of the Council for the preceding year, in accordance with the requirements under the Financial Management Act 2004.

(2) The annual report and audited financial statements must be submitted to the Minister by the Council before the end of 30 June in each year.

(3) Pursuant to subsection (2), the Minister must, within 14 sitting days after receiving the annual report and audited financial statements of the Council, table them before Parliament.

Other financial reports

23. The Minister may require the Council to furnish such other reports, statements or explanation in connection with the activities, undertakings and property of the Council as the Minister may consider necessary.

Bank accounts

24.—(1) The Council must open and maintain one or more accounts with any bank or banks that the Council thinks fit.

(2) Any such account must be operated by the person or persons as authorised by the Council.

PART 5—REGISTRATION AND LICENSING

Registration of Yaqona operators

25. It is the duty of the Council to register Yaqona operators in accordance with the criteria prescribed by the Minister.

Register

26.—(1) The Council must maintain one or more registers for the purposes of section 25.

(2) The register must be kept available for inspection by any person during office hours and the register or extracts of the register may be made available to the public as the Council may determine.

Removal of names and changes to register

27.—(1) The Council may, with good cause, remove the name of the Yaqona operator from the register if the Yaqona operator—

- (a) ceases to carry on the activities for which they were registered;
- (b) fails to obtain and maintain reasonable standards, quality and efficiency as the Council determines; or
- (c) fails to comply with any directions of the Council in relation to compliance with the provisions of this Act.

(2) Before removing a Yaqona operator's name from the register, the Council must—

- (a) give the Yaqona operator written notice of the proposed removal and the reasons for the proposed removal;
- (b) afford the Yaqona operator a reasonable opportunity to make written or oral representations in accordance with the prescribed procedures; and
- (c) consider any representation made under paragraph (b) before making a decision.

(4) The Council must, as soon as practicable, correct any entry in the register that is incorrect or has ceased to be accurate.

Import and export licence

28.—(1) A person may apply to the Council for a licence to import or export yaqona or Yaqona products subject to this Act, and any conditions imposed by the Council.

(2) No person may be granted or hold a licence under this Act unless he or she—

- (a) complies with this Act and any prescribed regulations;

- (b) holds, or is capable of obtaining and maintaining, all permits, approvals, certificates and authorisations required under any other written law for the importation or exportation of yaqona or Yaqona products; and
- (c) complies with all applicable requirements relating to biosecurity, food safety, customs, quarantine and any other prescribed matters.

(3) Without limiting subsection (2), the Council may refuse to issue, suspend or cancel a licence where the applicant or licence holder fails to comply with any written law relating to the importation or exportation of yaqona or Yaqona products.

(4) The grant of a licence under this Act does not exempt the holder from complying with any other written law.

Issuance, refusal, suspension and revocation of licence

29.—(1) The Council has the power to—

- (a) issue;
- (b) refuse;
- (c) suspend; or
- (d) revoke,

a licence with or without conditions.

(2) The Council may take into account the following when considering whether or not a licence is to be granted—

- (a) the applicant is registered under section 25; and
- (b) other matters prescribed by regulations.

(3) The Council may grant the applicant a licence where the applicant satisfies the requirements under this Act for the issuance of a licence.

(4) If the Council is of the opinion that the applicant does not satisfy any of the requirements in subsection (2) or (3), the Council must—

- (a) inform the applicant about those requirements; or
- (b) request the applicant to make a written representation to it, within a period specified by the Council, which is not less than 7 days, before it makes a final decision.

(5) The Council may refuse the application where the applicant fails to satisfy the requirements for a licence under this Act.

(6) Where the Council refuses to issue a licence, the Council must inform the applicant of the refusal and its reasons for the refusal.

(7) The Minister may prescribe matters pertaining to issuing, refusing, suspending or revoking a licence.

PART 6 — APPEAL

Right to appeal

30. Any person who is aggrieved by a decision of the Council may appeal against the decision to the Minister.

Lodgement of appeal

31.—(1) An appeal made under this Act must be made within 20 working days of notification of the decision to the applicant except where the Minister may, for good cause, extend the period by 20 working days.

(2) An appeal by an applicant under this Act must—

- (a) be in writing;
- (b) clearly and concisely set out the grounds for the appeal;
- (c) be accompanied by the prescribed fee, if applicable; and
- (d) be sent to the Minister.

Minister to inquire

32. The Minister must, on receiving an appeal under section 30, refer a copy of the appeal to the Council within 5 working days and request a written statement from the Council for the decision appealed against.

Council to respond

33. The Council must, within 10 working days of receiving a copy of an appeal under section 30, provide to the Minister a written statement setting out the reasons for the decision appealed against.

Decision

34.—(1) The Minister must, within 10 working days of receipt of the Council's written statement under section 33, either—

- (a) affirm the Council's decision;
- (b) vary the Council's decision; or
- (c) set aside the Council's decision and make a new decision in its place.

(2) The Minister must, as soon as possible after an appeal has been determined, forward the decision in writing to the appellant.

PART 7— MISCELLANEOUS

Enforcement officers

35.—(1) The Council may appoint suitably qualified officers from the Ministry as enforcement officers for the purposes of this Act.

(2) An enforcement officer must be issued with an identification card in a form approved by the Council.

(3) An enforcement officer must, upon request, produce his or her identification card when exercising powers under this Act.

(4) For the purpose of determining compliance with this Act, an enforcement officer may, at any reasonable time when yaqona operations (cultivation, harvesting, storing, processing, pounding, packaging and any activity related to the manufacture of Yaqona products) are being carried on—

- (a) enter and inspect any premises, that is used for the cultivation, processing, storage, importation or exportation of yaqona or Yaqona products;
- (b) inspect any records, documents or information relating to activities regulated under this Act;
- (c) require that any person take corrective measures in relation to the cultivation or harvesting or storage of yaqona or Yaqona products;
- (d) require a person to produce records, documents or information relevant to the administration of this Act;
- (e) take copies of any records or documents inspected under this section; and
- (f) take samples of any yaqona or Yaqona product.

(5) A person must comply with a lawful requirement made by an enforcement officer under this section.

Offences

36.—(1) A person commits an offence if he or she—

- (a) carries on the business of a Yaqona operator without being registered or licensed as required under this Act;
- (b) contravenes a condition of a registration or licence issued under this Act;
- (c) fails to comply with a lawful direction issued by the Council under this Act;
- (d) obstructs, hinders, intimidates or otherwise interferes with the Council, an authorised officer or any person acting under the authority of the Council in the exercise of powers or performance of functions under this Act;
- (e) refuses or fails, without reasonable excuse, to provide information, documents or records lawfully required under this Act;
- (f) knowingly provides false, misleading or inaccurate information to the Council or an authorised officer;
- (g) falsely represents any yaqona or Yaqona product as originating from Fiji; or
- (h) otherwise contravenes any provision of this Act or regulations made under this Act.

(2) A person who commits an offence under subsection (1) is liable on conviction—

- (a) in the case of an individual, to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 2 years, or both; or

- (b) in the case of a body corporate, to a fine not exceeding \$100,000.
- (3) Nothing in this section applies to—
 - (a) the possession or consumption of yaqona for personal use, not exceeding the quantity prescribed by regulations; or
 - (b) the reasonable traditional or cultural use of yaqona within Fiji.

Annual general meetings

37.—(1) The annual general meeting of the registered growers, processors, importers and exporters of yaqona must be held once a year.

(2) The Council must set its own rules of procedure for the conduct of its annual general meetings.

(3) The following matters must be dealt with at the annual general meeting—

- (a) to nominate Yaqona operators for membership to the Council; and
- (b) to discuss other matters of interest to the Council, and Yaqona operators.

(4) The Council may convene a special meeting for the purposes of discussing any urgent matter relating to Yaqona operators.

Regulations

38. The Minister may make regulations, on the advice of the Council, prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, including but not limited to—

- (a) forms, fees, charges and levies for the purposes of this Act;
- (b) rules and standards pertaining to certification, grading, quality, labelling and marketing;
- (c) rules regarding minimum quantities of yaqona that may be exported or imported by individuals without a license for personal or traditional use;
- (d) procedures and conditions for import or export licences;
- (e) rules and conditions pertaining to the registration of growers, processors, importers and exporters;
- (f) penalties not exceeding \$10,000 or a term of imprisonment not exceeding 2 years, or both, for a contravention of a provision of the regulations; and
- (g) any other matters required to be prescribed under the provisions of this Act.

Consequential amendment

39. The Higher Salaries Commission Act 2023 is amended in Schedule 1 after “Fiji Agromarketing Authority” by inserting “Fiji Yaqona Council”.

Office of the Attorney-General
Suvavou House
Suva

August 2026

YAQONA (KAVA) BILL 2026

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The demand for yaqona has increased in the local and overseas markets where the yaqona industry in Fiji is a major contributor to the national economy, next in line to the taro (dalo) and ginger industries.
- 1.2 Yaqona is sold domestically and is also exported for commercial purposes which has overtime generated millions of dollars into the Fijian economy. Hence, there is an urgent need for a proper legal framework to establish the Fiji Yaqona Council (**‘Council’**) which will manage, administer and assist the growth of the yaqona industry in Fiji.
- 1.3 Moreover, there is also a concern on the false representation of yaqona that is exported for commercial purposes which should be prohibited by law.
- 1.4 The Regional Strategy for yaqona is for the yaqona producing countries in the Pacific to have a yaqona management legislation.
- 1.5 The Yaqona (Kava) Bill 2026 (**‘Bill’**) seeks to ensure that trading of yaqona at a domestic level and international level, will be carried out according to appropriate standards and procedures.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill provides for the definitions and interpretation of terms used throughout the new legislation.

- 2.3 Clause 3 of the Bill provides the objectives of the Act which are to establish a Council that will administer the management of the Yaqona industry and protect the interest of the yaqona stakeholders and safeguard the trading of yaqona domestically and internationally.
- 2.4 Clause 4 of the Bill allows the Minister to delegate any of his or her powers, functions, or responsibilities under the Act to the Council, except for the specific powers to make regulations. This ensures the Council has the authority to manage the administrative and operational aspects of the Act.
- 2.5 Clause 5 of the Bill establishes the Council as a body corporate with perpetual succession and a common seal. This grants the Council the legal capacity to sue and be sued, to acquire and dispose of property, to enter into contracts, and to perform any other legal act a corporation is entitled to do.
- 2.6 Clause 6 of the Bill provides for the Council's common seal and its use. All deeds and documents requiring the seal must be sealed with it and signed by the Chief Executive or an authorised person.
- 2.7 Clause 7 of the Bill prescribes the composition of the Council which consists of 16 members appointed by the Minister. This includes 8 *ex-officio* members, led by the Permanent Secretary for Agriculture as Chairperson, representing key Government ministries and agencies, and 8 members representing the private sector, with 4 nominated by the Yaqona Working Group and 4 being additional Yaqona operators.
- 2.8 Clause 8 of the Bill specifies the term of office for members. *Ex-officio* members serve as long as they hold their Government office, while private sector members hold office for a period of 3 years, renewable only once. Clause 8 of the Bill also outlines the process for resignation and filling vacancies.
- 2.9 Clause 9 of the Bill lists the circumstances under which a member vacates office, including resignation, absence from meetings without permission, bankruptcy, conviction for fraud, mental incapacity, or loss of the qualification that led to their appointment. A vacancy does not affect the powers of the Council.
- 2.10 Clause 10 of the Bill grants the Council the power to enforce standards made under the new legislation and to perform any other power conferred by the new legislation or any other written law.
- 2.11 Clause 11 of the Bill details the comprehensive functions of the Council. These include developing and implementing standards for the Yaqona industry, registering and licensing Yaqona operators, cooperating with Government departments, advising the Minister, approving research plans, recommending fees and charges, and formulating quality and certification standards.

- 2.12 Clause 12 of the Bill establishes the procedural rules for Council meetings. A quorum of 12 members is required, the Council must meet at least 4 times a year, and decisions are by majority vote with the Chairperson having a casting vote. Clause 12 of the Bill also requires members to disclose any direct or indirect interest in matters under discussion.
- 2.13 Clause 13 of the Bill allows the Council to delegate its powers in writing to a member, a committee, or an officer, provided that such action is done with written instructions from the Chairperson.
- 2.14 Clause 14 of the Bill provides protection from civil or criminal liability for the Council and its members and officers for actions taken in good faith and with reasonable care in the course of their duties.
- 2.15 Clause 15 of the Bill establishes the Yaqona Working Group, comprising one representative from each province elected by Yaqona operators. Its functions include providing a forum for consultation, identifying challenges affecting the industry, and developing strategies for sustainable growth. Four of its members are nominated to serve on the Council, ensuring direct operator representation at the highest level.
- 2.16 Clause 16 of the Bill establishes the position of Chief Executive of the Council, to be appointed by the Council. The Chief Executive must possess qualifications in management, agronomy, or a related discipline, and is responsible for the executive and day-to-day management of the Council.
- 2.17 Clause 17 of the Bill outlines the powers and functions of the Chief Executive which include preparing meeting minutes, convening meetings, implementing Council resolutions, managing financial matters, and handling the recruitment and discipline of staff.
- 2.18 Clause 18 of the Bill empowers the Chief Executive, with delegated authority from the Council, to appoint, discipline, and terminate the employment of officers and staff of the Council.
- 2.19 Clause 19 of the Bill identifies the sources of funds for the Council, including government appropriations, gifts and donations, fees and charges, and borrowed funds. The Chief Executive is designated as the principal accounting officer.
- 2.20 Clause 20 of the Bill provides that the financial year of the Council is the calendar year.
- 2.21 Clause 21 of the Bill requires the Council to keep proper accounts and records in accordance with the Financial Management Act 2004.
- 2.22 Clause 22 of the Bill mandates that the Council submit its annual report and audited financial statements to the Minister by 30 June each year, and that the Minister must table them in Parliament within 14 sitting days.

- 2.23 Clause 23 of the Bill allows the Minister to require the Council to furnish additional reports, statements, or explanations in connection with its activities.
- 2.24 Clause 24 of the Bill permits the Council to open and maintain bank accounts, with operations authorised by the Council.
- 2.25 Clause 25 of the Bill imposes a duty on the Council to register Yaqona operators in accordance with criteria prescribed by the Minister.
- 2.26 Clause 26 of the Bill requires the Council to maintain a register of all registered Yaqona operators, which must be available for public inspection during office hours.
- 2.27 Clause 27 of the Bill outlines the process for removing a person from the register for good cause, including failing to maintain standards or non-compliance with the Act.
- 2.28 Clause 28 of the Bill establishes a licensing regime for the import and export of yaqona. An applicant must comply with this Act and all other relevant laws, including biosecurity, food safety, and customs requirements.
- 2.29 Clause 29 of the Bill grants the Council the power to issue, refuse, suspend, or revoke licences.
- 2.30 Clause 30 of the Bill grants a person aggrieved by a decision of the Council the right to appeal that decision to the Minister.
- 2.31 Clause 31 of the Bill sets out the formalities for lodging an appeal, which must be made in writing within 20 working days of the decision, state the grounds, and be accompanied by any prescribed fee.
- 2.32 Clause 32 of the Bill requires the Minister, upon receiving an appeal, to refer a copy to the Council and request a written statement of reasons for the decision.
- 2.33 Clause 33 of the Bill requires the Council to provide the Minister with its written reasons for the decision within 10 working days of receiving the appeal.
- 2.34 Clause 34 of the Bill empowers the Minister to affirm, vary, or set aside the Council's decision after considering all materials. The Minister must communicate the decision in writing to the appellant.
- 2.35 Clause 35 of the Bill allows the Council to appoint enforcement officers with powers to enter and inspect premises, inspect records, take samples of yaqona, and require corrective measures to ensure compliance with the Act.
- 2.36 Clause 36 of the Bill creates criminal offences for operating without registration or a licence, contravening licence conditions, obstructing enforcement officers, providing false information, and falsely representing yaqona as originating from Fiji.

- 2.37 Clause 37 of the Bill mandates that an annual general meeting of registered growers, processors, importers, and exporters be held once a year to nominate members for the Council and discuss matters of interest to the industry.
- 2.38 Clause 38 of the Bill empowers the Minister, on the advice of the Council, to make regulations on matters required or permitted by the Act, including forms, fees, quality standards, licensing procedures, and penalties not exceeding \$10,000 or imprisonment for up to 2 years.
- 2.39 Clause 39 of the Bill makes a consequential amendment to the Higher Salaries Commission Act 2023 by adding the Fiji Yaqona Council to Schedule 1.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The new legislation comes under the responsibility of the Minister responsible for agriculture.

S. D. TURAGA
Acting Attorney-General