STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Fiji Police Bill (Bill No. 12 of 2026)

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CHAIRPERSON'S FOREWORD



The Fiji Police Bill 2026 was referred to the Standing Committee on Justice, Law and Human Rights for scrutiny and reporting to Parliament.

Following its referral, the Committee undertook an extensive review of the Bill, including clause-by-clause analysis, consultations with the Ministry responsible for policing, consideration of independent legal advice, and public consultations conducted throughout Fiji. The Committee also received written submissions from individuals, civil society organisations, professional bodies, and other stakeholders. These engagements ensured that the Committee's review was informed by a broad range of perspectives and experiences.

The Bill seeks to repeal and replace the Police Act 1965, which has governed policing in Fiji for more than sixty years. In its place, the Bill establishes a modern legislative framework for the administration, governance and operations of the Fiji Police Force. It introduces significant reforms relating to police powers, investigations, forensic procedures, digital evidence, disciplinary processes and community policing, while seeking to align policing practices with the Constitution of the Republic of Fiji and contemporary international standards.

Throughout its review, the Committee carefully examined whether the proposed framework strikes an appropriate balance between empowering the Police Force to effectively prevent and investigate crime and ensuring that such powers are exercised lawfully, proportionately, transparently and with adequate safeguards. Particular attention was given to provisions relating to warrantless searches, surveillance powers, digital device access, forensic procedures, accountability mechanisms, and the protection of constitutional rights and freedoms. The Committee acknowledges that many of these issues were consistently raised during public consultations and through written submissions received from stakeholders and members of the public.

The Committee further recognised the importance of modernising Fiji's policing framework to address emerging challenges, including organised crime, transnational offences, cybercrime, digital investigations and the increasing reliance on scientific and forensic evidence. At the same time, the Committee was mindful that public confidence in policing depends not only on effective law enforcement but also on strong oversight, transparency, professionalism and respect for human rights.

In undertaking its review, the Committee proposed a number of amendments aimed at improving the clarity, consistency and operation of the Bill. These amendments seek to

strengthen accountability mechanisms, address drafting issues, enhance safeguards around the exercise of police powers, and ensure that the legislation reflects the concerns and recommendations raised during the consultation process. The Committee is satisfied that the amendments recommended in this Report improve the Bill while preserving its overall policy objectives.

On behalf of the Committee, I extend my sincere appreciation to all individuals and organisations who participated in the review process by making written and oral submissions. I also acknowledge the Ministry responsible for policing, the Office of the Solicitor-General, and all stakeholders who assisted the Committee throughout its deliberations. Their contributions greatly assisted the Committee in carrying out its constitutional and parliamentary responsibilities.

I would also like to thank the Honourable Members of the Standing Committee on Justice, Law and Human Rights; Hon. Faiyaz Koya, Hon. Ratu Josaia Niudamu, Hon Sachida Nand, Hon. Jone Usamate and Hon. Ratu Isikeli Tuiwailevu for their commitment, diligence and constructive engagement throughout the review process. Their contributions have been instrumental in ensuring a comprehensive examination of this important legislation.

On behalf of the Committee, I commend the Fiji Police Bill 2026 (Bill No. 12 of 2026) to Parliament and seek the support of all Honourable Members of this august House for its passage.



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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

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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 Fiji Police Bill 2026 for review on May 2026. 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 Fiji Police Bill 2026 (Bill No. 12 of 2026). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill.

The Committee examined the Bill in detail, reviewing each clause and engaging in deliberations. Following this, the Committee invited the Ministry responsible to provide a briefing on the objectives and intentions behind the proposed amendments. To ensure transparency and inclusivity, the Committee then opened the process to public participation by calling for submissions from citizens and other stakeholders, which was advertised through Parliament's official social media platforms.

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 FIJI POLICE BILL (BILL NO. 12 of 2026)

2.1 Introduction

The Fiji Police Bill 2026 ("Bill") seeks to repeal and replace the Fiji Police Act 1965 ("Act") with a modern legislative framework for policing in Fiji.

The Act was enacted in 1965 and has since served as the principal legislative framework governing policing in Fiji. It establishes the Fiji Police Force and provides for its functions, powers, administration and disciplinary arrangements.

The Act vests responsibility for the command, administration and management of the Force in the Commissioner of Police and empowers police officers to maintain law and order, prevent and detect crime, protect life and property, and enforce the laws of Fiji. It also governs the appointment, service and discipline of police officers to promote accountability and the effective exercise of policing powers.

The Bill introduces four key reforms aimed at modernising Fiji's policing framework: enhanced investigation and enforcement powers, strengthened digital investigation and forensic capabilities, formalised community policing arrangements, and the establishment of the Fiji Police Force Disciplinary Tribunal. The Bill provides a legal framework for addressing serious organised crime and emerging transnational criminal activity while ensuring that investigative powers are exercised subject to clearly defined legal thresholds, judicial oversight, proportionality requirements and constitutional safeguards.

The Bill also modernises the legal framework governing digital investigations by strengthening the Fiji Police Force's powers relating to the lawful access, preservation, management and forensic examination of digital evidence. These measures are intended to enhance the investigation and prosecution of offences facilitated by modern technology.

In addition, the Bill establishes an independent disciplinary tribunal to strengthen fairness, accountability, transparency and public confidence in the disciplinary process through the introduction of a formal appeals mechanism. Recognising that effective policing extends beyond enforcement, the Bill further formalises community policing by strengthening partnerships between the Fiji Police Force, traditional and community leaders, faith-based organisations, civil society organisations, women, youth and other stakeholders. These measures support a collaborative, prevention-focused and whole-of-society approach to crime prevention, public safety and community resilience.

2.2 Objectives of the Bill

The objectives of this Act are to—

- Repeal and Replace the Police Act 1965 with a new modernised and structured legal framework,
- Align the Act with Constitution of the Republic of Fiji and other laws,
- To embed human rights and ethical safeguards into the Act,
- To address capacity gaps—particularly in resources, forensic accreditation, inter-agency coordination, and officer training, including gender sensitivity training, and
- To strengthen community policing through dedicated legal support.

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. During its initial review, the Committee noted that the primary purpose of the Fiji Police Bill 2026 is to repeal the Police Act 1965 and replace it with a modernised and comprehensive legislative framework for policing in Fiji. The Committee observed that the Bill seeks to strengthen the institutional and operational framework of the Fiji Police Force by consolidating police powers, duties, governance arrangements, disciplinary mechanisms, investigative procedures, forensic processes, intelligence gathering, surveillance powers, and community policing initiatives within a single legislative instrument.

The Committee further noted that the Bill introduces a number of new and expanded powers relating to criminal investigations, digital evidence, forensic procedures, search and seizure, covert operations, and information gathering. Members also identified provisions aimed at enhancing police professionalism, accountability, training, oversight, and cooperation with communities in preventing and responding to crime. Given the breadth and significance of the proposed reforms, the Committee resolved to undertake a detailed examination of the Bill and to seek the views of stakeholders and members of the public to ensure that the legislation appropriately balances effective law enforcement with the protection of constitutional rights and freedoms.

3.2 Bill Summary

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

Clause 1 provides for the short title of the new legislation and sets out that the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

Clause 2 defines key terms used throughout the Bill. The clause includes definitions relating to the governance and administration of the Fiji Police Force, including the Commissioner, the Minister, Police staff, Police associates and consultants. The clause also defines terms relevant to the modernisation of Police functions, including biometric information, DNA profiles, body samples, identifying particulars, Force databases, protected informer offences, issuing authorities and standing orders. These definitions provide clarity and consistency for the exercise of Police powers, the management of Police personnel, and the regulation of investigative and disciplinary processes under the Bill.

Clause 3 sets out the application of the Bill and confirms that the powers of the Fiji Police Force may be exercised throughout Fiji, including within Fiji's internal waters, archipelagic waters and territorial sea. The clause further provides that the extension of Police powers into the contiguous zone and exclusive economic zone may occur only in accordance with the United Nations Convention on the Law of the Sea and any written law implementing that Convention.

Clause 4 provides that the new legislation binds the State.

Clause 5 provides for the continuation of the Fiji Police Force in accordance with section 129(1) of the Constitution.

Clause 6 sets out how the Force is constituted. The clause provides that the Force consists of Police officers, special constables and Police employees, and clarifies that the ranks of Police officers and special constables are to be prescribed by the Commissioner.

Clause 7 sets out the functions of the Force. The clause provides that the Force is responsible for maintaining law and order, preserving peace, safety and security, protecting life and property, safeguarding individual rights, preventing and detecting crime through intelligence-led policing, and engaging and partnering with the community. The clause also provides for the Force to participate in policing activities outside Fiji and to enforce written laws for which it is directly responsible, or which the Minister may prescribe by notice in

the Gazette. The clause further provides that, in performing its functions, the Force must act in accordance with the Constitution and the laws of Fiji, give full effect to its duties under the Bill and other laws, uphold and protect constitutional rights and freedoms, respect Fiji's international treaty obligations, and uphold the rule of law and the principles of natural justice.

Clause 8 makes provision for the role of the Force during a state of emergency declared under section 154 of the Constitution. The clause empowers the Commissioner to direct the Force to respond effectively to circumstances threatening the security and safety of Fiji. The clause also enables the Minister to make regulations for the purposes of this section, subject to constitutional limitations and any regulations made by the Prime Minister. The clause confirms that, during a state of emergency, the Force remains under the command of the Commissioner.

Clause 9 provides for the powers of the Minister to issue general policy directions to the Commissioner in accordance with section 129(6) of the Constitution. The clause further provides that the Commissioner must comply with such general policy directions.

Clause 10 sets out the powers and responsibilities of the Commissioner. The clause provides that the Commissioner has the powers conferred by the Constitution and the Bill, and is responsible, subject to ministerial policy direction, for the organisation and administration of the Force and for the deployment and control of Police operations. The clause also provides that the Commissioner may make standing orders in accordance with the Bill.

Clause 11 provides for the delegation of the Commissioner's powers, duties and functions. The clause enables the Commissioner to delegate powers to the Deputy Commissioner or a Police officer, subject to any conditions or restrictions. The clause clarifies that delegated powers cannot be further delegated, may be revoked at any time, and do not prevent the Commissioner from exercising the powers personally. The clause further provides that a delegate may exercise delegated powers with the same effect as if conferred directly by the Bill, and establishes a presumption that a person acting under delegation is acting in accordance with its terms unless proven otherwise.

Clause 12 provides that the appointment, employment and promotion of Police staff must be based on merit, with preference given to the person best qualified and suited for the position. The clause sets out the matters to be considered in determining merit, including integrity, psychological suitability, conduct, qualifications, skills, experience and physical fitness. The clause further provides that where applicants are of equal merit, the Commissioner may take into account the need to promote diversity within the Force and to advance gender and ethnic equity.

Clause 13 empowers the Commissioner to appoint Police officers. The clause requires a person joining the Force to give honest answers to questions relating to previous service and any criminal convictions before making an oath or affirmation.

Clause 14 provides for the continuation and command of the special constabulary under the Commissioner. The clause empowers the Commissioner to appoint special constables to augment the Force and prescribes categories of special constables, including General Special Constables, District Advisory Special Constables and Village Special Constables. The clause further provides for the governance, discipline, training and authorisation of special constables, including the circumstances in which a special constable may be authorised in writing to exercise specified powers of a Police officer. The clause also requires special constables to give honest answers regarding prior service and criminal convictions before making an oath or affirmation.

Clause 15 empowers the Commissioner to employ civilians as Police employees. The clause provides that Police employees must be employed under written contracts subject to terms and conditions determined by the Commissioner. The clause further enables the Commissioner to authorise a Police employee in writing to exercise specified powers, duties or functions of a Police officer, and provides that such authorisation carries the same responsibilities, limits and protections applicable to Police officers.

Clause 16 requires Police officers, special constables and Police employees, upon joining the Force, to make a declaration of allegiance and secrecy on oath or affirmation before the Commissioner or a senior officer, in the form set out in the Schedule.

Clause 17 provides that a Police animal under the control of a Police animal handler may accompany the handler into any place that the handler may lawfully enter in the course of Police duties. The clause further provides that the Commissioner and the handler are not liable solely because the Police animal has entered or been in such a place.

Clause 18 creates an offence for intentionally killing, maiming, wounding or injuring a Police animal without lawful authority or reasonable excuse. The clause provides for a penalty of a fine not exceeding $15,000 or imprisonment for a term not exceeding 2 years, or both.

Clause 19 empowers the Commissioner to engage a person as a Police consultant by written contract for a period determined by the Commissioner. The clause provides that the Commissioner may approve specific duties and functions for the Police consultant and clarifies that a Police consultant is not an agent or representative of the Force.

Clause 20 empowers the Commissioner to engage Police associates who are not members of Police staff but may perform duties with or for the Force, particularly where their duties

may involve the risk of contaminating crime scenes or evidence. The clause provides that Police associates must be professionals capable of assisting the Force during investigations and defines "professional" to include specified categories such as health professionals, welfare officers, registered teachers, legal practitioners, or professions prescribed by the Commissioner.

Clause 21 empowers the Commissioner to require a candidate for recruitment to provide identification and biographic details, evidence of qualifications and experience, undertake fitness testing, submit to psychological evaluation, provide biometric information or a body sample, and provide medical or other relevant reports. The clause requires that the candidate be notified of any requirement as soon as practicable and provides that a person unwilling to comply must not be considered for recruitment.

Clause 22 empowers the Commissioner to require a candidate to provide a body sample and to allow biometric information to be taken for the purposes of establishing a DNA profile.

Clause 23 restricts the use of biometric information relating to a candidate. The clause provides that such information may be used only for verifying that the candidate is not an illicit drug user, determining whether the candidate has been convicted of an offence, investigating and prosecuting offences where the candidate is linked through matching, or eliminating the candidate from suspicion if later recruited.

Clause 24 requires the Commissioner to ensure that a DNA profile is established from the body sample obtained from a candidate, that candidate biometric information is stored in the Force database, and that body samples are promptly destroyed except where the candidate is linked to an offence through matching.

Clause 25 requires that where a candidate is not recruited, biometric information relating to that candidate must be promptly deleted from the Force database or destroyed if held in hard copy form, except where the information indicates involvement in an offence. The clause further requires that written notice be given to the person, or their personal representative, after deletion or destruction.

Clause 26 requires the Commissioner to prescribe training programmes for Police staff, including a recruitment training course and a continuing education course. The clause provides that Police staff must successfully complete recruitment training and undertake continuing education as prescribed. The clause further requires that training include instruction on constitutional and human rights protections, gender sensitisation and gender-based violence, community engagement, the use of reasonable and necessary force, ethics and integrity, and the proper exercise and limits of Police powers. The clause also provides that training should, as far as practicable, be conducted in collaboration with appropriate training partners with expertise and experience in the Fijian context, including local

universities, civil society, and faith-based and human rights institutions. The Clause also provides that the Commissioner may confer certificates or awards upon successful completion of a training or education course.

Clause 27 sets out the general duties of Police staff. The clause provides that members of Police staff must perform duties imposed by law and obey all lawful directions from officers of higher rank. The clause further provides that Police officers and special constables are deemed to be on duty at all times and may be detailed for duty anywhere in Fiji or elsewhere in accordance with the Bill. The clause also specifies core duties of Police officers and special constables, including executing lawful orders and warrants, collecting intelligence affecting the public peace, preventing offences and nuisances, detecting offenders, and apprehending persons whom they are legally authorised to apprehend.

Clause 28 sets out the purpose of the mandatory testing Division and its relationship with investigative powers under Part 5, Division 9. The clause provides that the Division enables the Commissioner to determine whether a member of Police staff or a Police associate has used an illicit drug, and to eliminate such persons from suspicion in the investigation of a crime. The clause further provides that the Commissioner may instead investigate Police staff or associates under the Illicit Drugs Control Act 2004 or other written law using the forensic procedures.

Clause 29 empowers the Commissioner to require a member of Police staff or a Police associate to provide a body sample where the Commissioner has reasonable grounds to suspect illicit drug use. The clause also enables the Commissioner to request a body sample or biometric information for the purpose of eliminating a person from suspicion in a criminal investigation. The clause limits such requirements or requests to those relevant to the stated purpose.

Clause 30 restricts the use of staff biometric information obtained for drug testing purposes. The clause provides that such information is not admissible as evidence in criminal proceedings against the person and may be used only to determine illicit drug use. The clause provides that analysis may be conducted at an approved laboratory or facility, and that a positive determination constitutes a breach of the code of conduct, triggering the application of Part 7. The clause further provides that the restriction continues to apply even after the person ceases to be a member of Police staff or a Police associate.

Clause 31 requires the Commissioner to ensure that a DNA profile is established from a body sample obtained under clause 29, that staff biometric information is stored in the Force database, and that every body sample obtained is promptly destroyed.

Clause 32 requires that where a person ceases to be a member of Police staff or a Police associate, all staff biometric information collected under clause 29 must be permanently

deleted or destroyed. The clause provides that deletion or destruction must occur no later than 12 months after cessation of service and requires written notice to be given to the person or their personal representative after deletion or destruction.

Clause 33 prohibits members of Police staff from engaging in other employment or holding office except as provided under the Bill. The clause further prohibits Police staff from taking an active part in political organisations or electoral campaigns, and from engaging in activities likely to interfere with the impartial discharge of their duties.

Clause 34 empowers the Commissioner to extend the appointment or employment of a member of Police staff where the appointment is due to expire during a state of war, emergency, insurrection or hostilities. The clause limits any extension to a period not exceeding 6 months.

Clause 35 requires the Commissioner to employ or engage a qualified and trained counsellor to provide counselling services to Police staff.

Clause 36 defines the expression "neighbouring territory" for the purposes of the Division. The clause provides that the Minister may declare a territory to be a neighbouring territory by notice in the Gazette, but only where reciprocal arrangements exist or will be made in the law of that territory.

Clause 37 empowers the Commissioner, at the request of the government of a neighbouring territory and with the agreement of the Minister, to order Police officers to proceed to that territory for service.

Clause 38 provides that where a Police officer is punished for an offence committed while serving in a neighbouring territory, the punishment is deemed to have been imposed in Fiji for a similar offence, whether under the law of that territory or under provisions of the Bill applied in that territory.

Clause 39 empowers the Commissioner to request assistance in a temporary emergency from the police force of a neighbouring territory.

Clause 40 makes provision for officers from a neighbouring territory serving in Fiji in response to a request under clause 37. The clause provides for operational command arrangements, confirms that visiting officers are subject to the command of the Commissioner, and enables visiting officers to exercise the powers and duties of Police officers of equivalent rank. The clause further provides for the limited application of foreign discipline and service laws in Fiji, subject to restrictions on the enforcement of disciplinary punishment and jurisdiction, and provides for the enforcement of visiting officers' service contracts as if made with the Government of the Republic of Fiji.

Clause 41 defines key terms used in Part 5. The clause includes definitions relating to search and seizure powers, covert operations, urgent searches, crime scenes, stop departure orders, digital devices, and forensic procedures. The clause also defines "crime scene threshold offence" as an indictable offence meeting a prescribed penalty threshold or an offence involving deprivation of liberty.

Clause 42 provides for the use of force by Police officers in exercising powers under the Bill or any other Act. The clause permits the use of reasonable and necessary force, subject to proportionality requirements and restrictions against force likely to cause death or grievous bodily harm except where necessary to prevent death or serious injury. The clause further requires regard to be had to international human rights instruments, including the UNCAT, the ICCPR, and the UN Basic Principles on the Use of Force and Firearms.

Clause 43 requires the Police to take reasonable care to avoid loss or damage to lawfully seized property while it is in Police possession.

Clause 44 empowers a Police officer to take identifying particulars of a person in lawful Police custody who is detained for committing an offence. The clause provides that identifying particulars must be taken in a reasonable manner and permits the use of force, subject to clause 42. The clause also creates an offence for failure to comply with a lawful direction after caution with the penalty of a fine not exceeding $5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 45 empowers a Police officer to detain a person briefly for the purpose of taking identifying particulars where the officer reasonably suspects the person of committing an offence and intends to proceed by summons. The clause limits detention to the period necessary to obtain the particulars allows reasonable force to be used to secure them and creates an offence for failure to comply after caution.

Clause 46 requires identifying particulars obtained under clauses 44 or 45 to be stored in the Force database. The clause further provides that photographs and fingerprint impressions must be destroyed as soon as practicable if proceedings are not commenced, are withdrawn, or conclude without an outcome authorising continued storage. The clause specifies outcomes permitting continued retention, including diversion completion, conviction, or discharge under the Sentencing and Penalties Act 2009. The clause also requires secure storage and lawful access controls.

Clause 47 provides for arrest without warrant. The clause empowers Police officers to arrest persons committing or about to commit offences, or reasonably suspected of doing so. The

clause further provides that arrest is only permissible where the officer reasonably believes it is necessary for specified purposes, including establishing identity, preventing harm or obstruction, protecting vulnerable persons, ensuring effective investigation, or preventing disappearance.

Clause 48 specifies the persons who may issue search warrants. The clause provides that Justices of the Peace may issue general search warrants, magistrates may issue general or urgent search warrants, and judges may issue covert surveillance or covert entry warrants.

Clause 49 provides for applications for general search warrants. The clause sets out the conditions under which an issuing authority may issue a warrant, including reasonable grounds that an offence has been committed, that relevant evidence is likely to be found, and that legal privilege is not affected. The clause provides for both specific premises warrants and all-premises warrants and sets out additional safeguards for all-premises warrants.

Clause 50 provides for the execution of search warrants. The clause enables any Police officer to execute a warrant and permits authorised persons to accompany officers under supervision. The clause imposes requirements relating to timing, identification, provision of copies to occupiers, scope of search, endorsement of execution, and return and retention of warrants.

Clause 51 limits the application of urgent search powers to prescribed urgent search offences.

Clause 52 empowers a Police officer to enter and search a place or conveyance without a warrant where the officer reasonably suspects evidence may be concealed or destroyed, or where an urgent search offence involves conveyance safety. The clause provides that the search may be conducted as if authorised by warrant and restricts the use of force in relation to structural damage or forced entry into conveyances.

Clause 53 requires a Police officer who conducts an urgent search to apply to a magistrate for a post-search approval order within the prescribed period. The clause sets out procedural requirements for such applications.

Clause 54 provides for the making of post-search approval orders. The clause permits a magistrate to approve the search only if satisfied that reasonable suspicion existed before the search, that evidence was at risk, and that a warrant would likely have been issued if time had permitted, or that approval is otherwise in the public interest. The clause further provides that evidence obtained is inadmissible if approval is refused or not obtained within the prescribed period.

Clause 55 provides for an appeal to the High Court by the Commissioner where a magistrate refuses a post-search approval order, and permits retention of seized items pending the appeal.

Clause 56 limits the application of the Division to prescribed covert operation offences.

Clause 57 empowers a senior officer to apply for a covert surveillance warrant authorising covert monitoring and recording of a person's conduct and communications. The clause sets out requirements for applications, including factual grounds, manner of monitoring, identification of persons and places, duration, and oral application procedures.

Clause 58 provides for the issue and renewal of covert surveillance warrants. The clause empowers the issuing authority to authorise covert entry, including by force if necessary, and permits renewal by further application.

Clause 59 sets out matters to which the issuing authority may have regard when considering whether to grant a covert surveillance warrant, including seriousness of the offence, the extent of its application, privacy impacts, alternative methods, and evidentiary value.

Clause 60 specifies mandatory content requirements for covert surveillance warrants, including conditions, duration, authorised assistance, and retrieval of devices.

Clause 61 provides for the term, cancellation and revocation of covert surveillance warrants. The clause limits oral warrants to 48 hours and requires cancellation where grounds cease to exist.

Clause 62 empowers a senior officer to authorise the placement and retrieval of tracking devices where reasonably necessary for the investigation of a covert operation offence.

Clause 63 requires an application for a covert or forcible entry warrant where placement or retrieval of a tracking device requires entry onto premises. The clause provides that the application must state the facts relied upon, the manner, what is to be tracked and for written or oral applications. The Clause also clarifies that mere external placement does not constitute entry requiring a warrant.

Clause 64 provides for the issue and renewal of covert or forcible entry warrants for tracking purposes.

Clause 65 sets out considerations for issuing authorities in deciding whether to grant tracking-related entry warrants.

Clause 66 specifies the required form and content of such warrants.

Clause 67 provides for the term, cancellation and revocation of tracking-related warrants, including a 48-hour limit for oral warrants.

Clause 68 limits the application of stop departure powers to prescribed stop departure offences.

Clause 69 empowers the Commissioner to issue a stop departure order prohibiting a person under investigation from leaving Fiji for up to 30 days. The clause requires notice to the person and to the Director of Immigration and provides that the Director of Immigration within 24hrs of the issuance must enforce the order.

Clause 70 defines when a place constitutes a crime scene, including where a crime scene threshold offence has occurred or where significant probative evidence may be present, and where protection is necessary for the time reasonably required to gather evidence.

Clause 71 authorises Police officers to enter places to reach or assess suspected crime scenes for a reasonable period which is dependent on particular circumstances including the nature of information or observations made, visible evidence and any preliminary inspection made which may help determined whether is a crime scene.

Clause 72 empowers a Police officer to establish a crime scene and exercise crime scene powers and provides for the responsible officer to be the officer in control.

Clause 73 requires an application for a crime scene order to the judge or magistrate as soon as practicable after establishment of a crime scene, except in relation to public places. The clause provides that refusal of an order ends the crime scene designation.

Clause 74 requires the responsible officer to determine and mark the boundaries of the crime scene.

Clause 75 provides for restricting access to crime scenes and limits entry to persons with special investigative reasons, authorised officers, or persons necessary to preserve life or property. The clause requires record-keeping of all entries.

Clause 76 requires the preservation of evidence at crime scenes and permits movement of items only where necessary to prevent damage or destruction.

Clause 77 provides for applications for crime scene orders, including sworn requirements and notice to occupiers where practicable.

Clause 78 sets out matters to be considered by the judge or magistrate before issuing a crime scene order, including seriousness, interference to occupiers, duration, and submissions. The clause limits orders to cases where the place is reasonably a crime scene and also allows orders to apply retrospectively if the place has ceased to be one.

Clause 79 specifies required content of crime scene orders, including duration not exceeding 7 days and requirements for High Court authorisation where structural damage may occur.

Clause 80 provides for the duration and extension of crime scene orders for further periods not exceeding 7 days.

Clause 81 provides for review and revocation applications by occupiers in certain circumstances.

Clause 82 requires that occupiers be given a copy of the crime scene order and a statement of rights and obligations.

Clause 83 sets out the powers exercisable at a crime scene, including entry, investigation, opening locked items, photographing, seizing evidence, and in some cases removing linings or fittings. The clause provides that activities causing structural damage require High Court authorisation.

Clause 84 provides for directions and enforcement powers at crime scenes, including directing persons to leave, preventing entry, removing persons or obstructions, detaining and searching persons interfering with evidence, and requiring continuous electricity supply.

Clause 85 provides that crime scene powers may be exercised in public places without a crime scene order, subject to limits where the place is open to the public at certain times and the occupier requests Police to leave.

Clause 86 requires that suitable alternative accommodation be arranged for occupiers displaced from dwellings due to crime scene directions or damage, subject to exceptions.

Clause 87 defines "specified person" for the purposes of digital device access orders, including suspects, owners, users, possessors and system administrators, subject to knowledge requirements.

Clause 88 empowers a magistrate or judge issuing a search warrant to order a specified person to provide access, access information, or assistance in examining or copying device information to a Police Officer.

Clause 89 provides for orders requiring access assistance after a digital device has been seized and removed, including where further access information is required.

Clause 90 provides for judicial orders relating to devices situated at or seized from a crime scene.

Clause 91 creates an offence for contravening a digital device access order without reasonable excuse, and provides that self-incrimination is not a reasonable excuse.

Clause 92 provides that applications may also be made under Part 5 of the Cybercrime Act 2021 where applicable.

Clause 93 defines key terms for forensic procedures, including intimate and non-intimate procedures, forensic samples, DNA samplers, qualified persons, children, persons with impaired capacity, and consent.

Clause 94 provides that the Division does not derogate from common law rules relating to sexual offences under the Crimes Act 2009.

Clause 95 sets out which qualified persons may perform specified forensic procedures, including medical practitioners, dentists, specialised nurses, DNA samplers and authorised examiners.

Clause 96 provides for the authorisation of Police officers as DNA samplers, subject to training and expertise requirements.

Clause 97 provides that forensic procedures may only be performed with informed consent or under a forensic procedure order.

Clause 98 sets out general rules for seeking forensic procedure consent such as who the consent may be sought from and the purposes for which consent may be sought, including investigation, missing persons identification, and identifying deceased persons.

Clauses 99 to 101 provide special consent safeguards for children aged 14 or older, children under 14, and persons with impaired capacity, including requirements for support persons.

Clause 102 requires that consent be informed and that explanations be given, including to children or impaired persons where practicable.

Clause 103 specifies the explanations required to ensure informed consent, including purpose, nature of procedure, rights to refuse or withdraw consent, and potential database use.

Clause 104 provides for recording of consent, including electronic recording where practicable or written signed consent.

Clause 105 sets out the grounds for an application of a forensic procedure order by a Police Officer, including restrictions relating to children and the Juveniles Act 1973.

Clause 106 empowers Police officers to apply for forensic procedure orders where consent is not given.

Clauses 107 and 108 provide for notice requirements and circumstances in which notice may be dispensed with.

Clause 109 provides for the making of forensic procedure orders, requiring the magistrate to balance individual rights and public interest and to consider proportionality and less intrusive alternatives.

Clause 110 specifies the required content and duration of forensic procedure orders.

Clause 111 provides Police powers necessary to enforce forensic procedure orders, including detention and directions to attend.

Clause 112 requires a copy of the order to be given before a procedure is performed, subject to exceptions.

Clause 113 authorises qualified persons to perform procedures in accordance with the order.

Clause 114 empowers the Commissioner to establish or continue Police laboratories or facilities for forensic testing, DNA profiling and scientific analysis, and provides for employment of qualified personnel.

Clause 115 empowers the Commissioner to approve external laboratories or facilities by Gazette order, imposes confidentiality requirements, and creates an offence for unlawful disclosure with the penalty of a fine not exceeding $10,000 or imprisonment for a term not exceeding 5 years or both and in the case of a body corporate, a fine not exceeding $100,000.

Clause 116 provides for analyst certificates to be admissible as prima facie evidence, subject to service requirements and rights of cross-examination.

Clause 117 requires a record to be made and signed after a forensic procedure is carried out and submit it to the Force as subscribed.

Clause 118 requires records and related forensic information to be stored in the Force database but provides for destruction where proceedings are not commenced or conclude without an outcome authorising retention. The clause specifies outcomes permitting continued storage, including diversion completion, conviction or discharge.

Clause 119 empowers a Police officer to temporarily control traffic on, or close, a public road where the officer has reasonable cause to believe that public disorder exists or is imminent, that danger to the public exists or may reasonably be expected, or that a serious offence punishable by 5 or more years' imprisonment is being or is about to be committed near the place. The clause defines "temporarily" as the period reasonably necessary in the circumstances and clarifies that "traffic" includes pedestrian traffic.

Clause 120 empowers a Police officer to erect or place barriers across roads, streets or other public places where the officer considers it necessary for maintaining law and order, preserving the peace, preventing or detecting crime, or apprehending offenders. The clause requires that, where reasonably practicable, the relevant community policing committee be notified of the decision to erect a barrier. The clause further provides for enforcement measures to prevent persons or vehicles from crossing the barrier and creates an offence for unauthorised crossing or failure to comply with Police directions. The clause also provides that the Police officer and the Force are not liable for loss, damage or injury resulting from the exercise of the power.

Clause 121 provides for the care and protection of intoxicated persons. The clause empowers a Police officer to detain and take into custody a person intoxicated in a public place, or while trespassing on private property, where the officer reasonably believes the person is incapable of protecting themselves from harm, likely to cause harm to others, or likely to cause significant property damage, and where it is not reasonably practicable to provide care by taking the person home or to a temporary shelter. The clause limits detention to the period until intoxication ceases and in any case not longer than 12 hours, unless a medical practitioner recommends further detention for up to an additional 12 hours. The clause sets out conditions under which such a recommendation may be made and defines key terms including "intoxicated" and "temporary shelter".

Clause 122 empowers a Police officer to stop and detain a person observed doing an act requiring authorisation under any law and to request production of the authorisation. The clause provides that if the person does not produce the authorisation, the officer may arrest the person without warrant unless the person provides personal details and the officer is satisfied the person will answer any summons or proceedings. The clause also creates an offence for contravention of the requirement to produce authorisation with the penalty of a fine not exceeding $500 or imprisonment for a term not exceeding 12 Months or both.

Clause 123 empowers the Minister, on the recommendation of the Commissioner, to prescribe a code of conduct for Police staff. The clause also provides that the Minister may amend the code of conduct on the recommendation of the Commissioner.

Clause 124 requires members of Police staff to comply with the Bill and the code of conduct, and to perform their duties and exercise their powers in accordance with those requirements. The clause further provides that a contravention of the Bill or the code of conduct constitutes a disciplinary offence.

Clause 125 provides that disciplinary jurisdiction applies to contraventions of the code of conduct whether the alleged conduct occurs within or outside Fiji.

Clause 126 provides that any person may make a complaint against a member of Police staff to the Commissioner in the prescribed form and manner. The clause further requires the Commissioner to establish a complaints receiving and response platform that enables anonymous and user-friendly lodgement of complaints.

Clause 127 requires the Commissioner to ensure that complaints against Police staff are investigated as soon as practicable. The clause empowers the Commissioner to summarily dismiss complaints in specified circumstances, including where the complaint is vexatious, frivolous, lacking substance, repetitive, or outside the Commissioner's authority. The clause further requires written notice of dismissal and reasons to be provided to the complainant. The clause provides that a complainant may appeal a summary dismissal to the Fiji Police Force Disciplinary Tribunal. The clause also provides that where a complaint is not dismissed, it must be referred to a senior officer to serve as an ad hoc internal tribunal.

Clause 128 provides for the establishment of ad hoc internal tribunals constituted by senior officers selected by the Commissioner. The clause empowers such tribunals to hear and determine disciplinary complaints and, where an offence is established, to impose penalties or measures within ranges prescribed by the Commissioner. The clause further provides procedural safeguards, including that the charge must be investigated in the presence of the accused person, that the accused must be given an opportunity to make a defence, and that the accused is entitled to representation by an internal advocate or an external legal practitioner.

Clause 129 provides for appeals to the Commissioner by persons aggrieved by decisions of an ad hoc internal tribunal. The clause empowers the Commissioner to quash, alter, confirm, or remit tribunal decisions for rehearing. The clause further provides that a person aggrieved by the Commissioner's decision may appeal to the Fiji Police Force Disciplinary Tribunal.

Clause 130 establishes the Fiji Police Force Disciplinary Tribunal. The clause provides for the composition of the Tribunal, including a chairperson who is or is qualified to be a Judge,

a member with experience in the Force who is not serving Police staff, and one civilian member. The clause provides for terms of appointment, acting appointments, and removal of members for inability or misbehaviour. The clause further provides that the Tribunal's functions include hearing appeals from decisions of the Commissioner and exercising any other prescribed authority. The clause provides for further appeal to the High Court. The clause also affirms the independence of the Tribunal and provides for remuneration, procedural rule-making, reporting obligations, and funding arrangements, including that Tribunal salaries are a charge on the Consolidated Fund and that Parliament must ensure adequate resources for the Tribunal's independent functioning.

Clause 131 provides that employment grievances concerning a member of Police staff that do not amount to a disciplinary offence under the Bill, and are not being pursued under Division 1, are to be dealt with in accordance with the Employment Relations Act 2007.

Clause 132 provides that Part 8 does not apply to the Commissioner.

Clause 133 provides for the resignation of members of Police staff. The clause enables a member to resign by giving the Commissioner a signed notice of resignation at least 30 days before the proposed resignation date. The clause further provides that a resignation is not effective unless approved in writing by the Commissioner, and requires the Commissioner to decide whether to approve the resignation within 30 days of receiving notice. The clause provides that the Commissioner must not unreasonably refuse to accept a resignation and requires any outstanding debts owed to the Force to be paid before resignation.

Clause 134 provides that the compulsory retirement age for members of Police staff is 55 years, or as otherwise prescribed in the standing orders.

Clause 135 empowers the Commissioner, where considered necessary, to continue the appointment of a member of Police staff who has reached the compulsory retirement age, subject to the member undertaking a performance review. The clause provides that the nature of the performance review is to be determined by the Commissioner and that continuation of appointment is not permitted where the member fails to undertake or satisfactorily complete the review.

Clause 136 empowers the Commissioner to terminate the appointment of a Police officer or special constable in specified circumstances, including failure to meet prescribed health standards, failure to undertake or complete a performance review satisfactorily, or a reduction in the establishment of the Force. The clause further provides that termination may also occur where the Commissioner loses confidence in the person's suitability due to lack of competence or integrity, the manner of performance of duties, or conduct both on or off duty.

Clause 137 empowers the Commissioner to terminate the employment or engagement of Police employees, Police associates or Police consultants in accordance with the terms of their employment contract or engagement agreement. The clause specifies that termination may occur for reasons including failure to undertake or satisfactorily complete a performance review or a reduction in the establishment of the Force.

Clause 138 sets out the objects of community policing. The clause provides that the Force must work with and within communities through community policing initiatives in order to strengthen partnerships, foster cooperation and communication, prevent crime and reduce harm through collaborative problem-solving, improve public trust and accountability in policing services, and promote public safety in a manner that respects human rights and Fiji's cultural context. The clause further recognises that community policing must operate effectively at the national, municipal and maritime island level.

Clause 139 provides for divisional Police command arrangements for the purposes of community policing. The clause empowers the Commissioner to prescribe divisional jurisdictions and to establish Police stations within those jurisdictions. The clause further requires divisional Police commanders to support and coordinate community policing initiatives between Police stations, to prepare regular community policing reports assessing the effectiveness of such initiatives, and confirms that divisional commanders are accountable to Police central command for the implementation of this Part.

Clause 140 provides for the role of Police stations in the implementation of community policing. The clause empowers the Commissioner to prescribe Police station jurisdictions and to establish community Police posts within those areas. The clause requires the officer in charge of a Police station to implement community policing policies and guidelines, coordinate initiatives between Police posts, ensure continuous engagement with community policing committees and relevant community support, faith-based and cultural institutions, and to serve as a reporting pathway between Police posts and divisional command. The clause further provides that the officer in charge of the Police station is accountable to divisional Police command for the implementation of these responsibilities.

Clause 141 sets out the role of Police posts in supporting community policing at the local level. The clause empowers the Commissioner to prescribe the jurisdiction of Police posts and requires the officer in charge of a Police post to implement community policing policies, engage directly with community policing committees and local advocacy and support groups, facilitate training and collaboration with community institutions, and serve as a focal point for communication between the community and the Force. The clause further requires the preparation of regular community policing reports to be submitted to the coordinating Police station and provides that Police posts are accountable to the relevant Police station for implementation.

Clause 142 provides for the establishment of community policing committees. The clause requires the officer in charge of a Police post, in consultation with community members, to facilitate and support the establishment of such committees. The clause further provides that communities may establish committees, that committees may determine their own format and procedures subject to minimum requirements, and that committees must consist of elected representatives of community members in the area concerned. The clause also requires the Force to work with and support community policing committees in fulfilment of the objects of this Part.

Clause 143 provides for the functions of community policing committees. The clause provides that a community policing committee must perform the functions it considers necessary and appropriate to meet the objects of community policing set out in clause 138.

Clause 144 creates an offence relating to the unauthorised possession, use and manufacture of Police property. The clause provides that a person commits an offence if, without authorisation from the Commissioner or without reasonable excuse, the person possesses Police property, uses or distributes Police property, designs or manufactures Police property, sells or offers Police property for sale, buys or borrows Police property, or imports or exports Police property. The clause provides for penalties of a fine not exceeding $10,000 or imprisonment for a term not exceeding 5 years, or both, for individuals, and a fine not exceeding $100,000 for body corporates.

Clause 145 provides for authorisations in relation to clause 144. The clause empowers the Commissioner to authorise a person in writing to possess, use, manufacture, distribute, import or export Police property for lawful purposes. The clause further enables the Commissioner to authorise, for a prescribed purpose, the manufacture or distribution of clothing or accessories bearing the Police logo, insignia or emblem. The clause requires authorised persons to maintain proper records of recipients of such items and empowers the Commissioner to revoke an authorisation for non-compliance with those requirements.

Clause 146 creates an offence relating to the unauthorised use of Police-related terms. The clause provides that a person commits an offence if, without reasonable excuse, the person carries on an activity using the word “Police”, “Fiji Police”, “Fiji Police Force” or similar words in a manner likely to mislead others into believing that the activity is endorsed or authorised by the Police. The clause provides for penalties of a fine not exceeding $10,000 or imprisonment for a term not exceeding 5 years, or both, for individuals, and a fine not exceeding $100,000 for body corporates.

Clause 147 creates an offence of misrepresenting a vehicle, craft or other conveyance as being in the service of the Police. The clause provides that a person commits an offence if, without reasonable excuse, the person represents a conveyance as being a Police vehicle or being used in Police service in circumstances likely to mislead others. The clause provides

for penalties of a fine not exceeding $10,000 or imprisonment for a term not exceeding 5 years, or both, for individuals, and a fine not exceeding $100,000 for body corporates. The clause further provides for aggravated penalties where the misrepresentation is connected with the commission of another offence, including imprisonment for up to 10 years and higher fines.

Clause 148 creates offences relating to causing disaffection amongst Police staff. The clause provides that a person commits an offence if the person causes or attempts to cause disaffection within the Force or induces or attempts to induce a member of Police staff to withhold services or commit a breach of discipline. The clause provides for a penalty of a fine not exceeding $1,000 or imprisonment for a term not exceeding one month, or both.

Clause 149 creates an offence of disorderly conduct in Police premises. The clause provides that a person commits an offence if, within a Police station, Police office, cell, Police vehicle or vessel, or any place where the Police operate, the person behaves in a riotous, indecent, disorderly or insulting manner. The clause provides for a penalty of imprisonment for a term not exceeding 3 months.

Clause 150 creates an offence of making a false declaration on oath. The clause provides that a person commits an offence if the person wilfully makes a false statement in reply to questions asked under clauses relating to recruitment, appointment or engagement processes. The clause provides for a penalty of a fine not exceeding $500 or imprisonment for a term not exceeding 6 months, or both.

Clause 151 creates an offence relating to breach of oath or affirmation. The clause provides that a person who makes an oath or affirmation under clause 16 and breaches that oath commits an offence. The clause provides for a penalty of imprisonment for a term not exceeding 5 years, or up to 10 years where the breach is for the purpose of committing, assisting or allowing the commission of an offence.

Clause 152 creates an offence relating to failing to assist Police. The clause empowers a Police officer, where reasonably necessary in the lawful execution of duty, to request assistance from an adult person in specified circumstances, including arresting offenders, preventing escape, suppressing breaches of the peace, or protecting public property. The clause provides that a person who, without reasonable excuse, fails to provide assistance when requested commits an offence and is liable to a fine not exceeding $5,000.

Clause 153 provides for identity documents for members of Police staff. The clause requires the Commissioner to issue each member of Police staff with an identity document or other approved form of identity. The clause provides that the identity document is evidence of the person's appointment under the Bill and must include the member's name, rank (if a Police officer), and, in the case of a special constable, the category of appointment and the specific

powers granted under clause 14. The clause further requires Police officers and special constables to carry and produce the identity document when performing functions or exercising powers under the Bill. The clause also provides that persons visiting Police premises may be required to provide or submit to identification

Clause 154 provides for the prescribing of Police property. The clause empowers the Commissioner to prescribe Police property that may be issued to Police staff and Police associates for lawful purposes, and to prescribe rules for the proper use, handling, storage and maintenance of such property. The clause clarifies that Police property includes protective equipment, body cameras and aerial drones.

Clause 155 sets out obligations relating to the use, custody and return of Police property. The clause requires members of Police staff issued with Police property to maintain the property and prohibits lending, giving or parting with the property without the Commissioner's authority. The clause further provides that Police property may only be used for the lawful purpose for which it was issued and requires prompt reporting of theft, loss or damage. The clause requires Police property to be returned at the end of service.

The clause creates an offence for unlawful use of Police property and provides for a penalty of a fine not exceeding $5,000 or imprisonment for a term not exceeding 5 years, or both. The clause further provides that contraventions relating to unauthorised lending or failure to report loss are to be dealt with as disciplinary matters. The clause also creates an offence for failure to return Police property and provides for additional liability to repay the value of the property not delivered up, with valuation recoverable as a fine. The clause further enables the Commissioner, at discretion, to permit payment in lieu of return.

Clause 156 provides for recovery of loss or damage to Police property. The clause provides that where a member of Police staff pawns, sells, loses through neglect, unlawfully disposes of, or wilfully or negligently damages Police property or government property supplied to them, the Commissioner may require the member to pay the value of the loss or damage. The clause provides that payment may be recovered by deductions from the member's salary. The clause further provides that this recovery applies in addition to any other penalty or consequence.

Clause 157 provides protection for Police staff acting under court processes. The clause provides that a member of Police staff acting in obedience to a court process is not responsible for irregularity or lack of jurisdiction in the issuing of the process. The clause sets out the conditions under which such protection applies, including production of the process and proof that it was issued by a court or judicial officer and executed in accordance with its terms. The clause further provides that where the protection applies, the court must enter a verdict for the member concerned and the member may recover costs.

Clause 158 provides for the protection of informers. The clause provides that information relating to an informer protected offence must not be admitted in evidence in civil or criminal proceedings and that witnesses are not obliged to disclose the identity or address of informers or persons assisting the Police where disclosure would tend to reveal them. The clause further requires courts to conceal or obliterate identifying passages in documents where necessary to prevent discovery.

The clause provides an exception where the court is satisfied that an informer wilfully made a materially false statement, or where justice cannot be fully done without disclosure. In such cases, the court may permit inquiry and require disclosure concerning the informer or assisting person.

Clause 159 provides for the auditing of Force accounts. The clause requires the Commissioner to ensure that the accounts and financial statements of the Force are audited by an auditor authorised by the Auditor-General, in accordance with applicable auditing standards.

Clause 160 provides for annual reporting obligations. The clause requires the Commissioner to prepare and submit an annual report to the Minister. The clause specifies minimum reporting content, including the use of allocated budget, Force performance, audited financial statements, reporting on community policing initiatives under Part 9, and data relating to complaints, arrests, investigations, prosecutions and disciplinary actions. The clause further provides that the reporting requirements are subject to sections 49 and 50 of the Financial Management Act 2004.

The clause also requires the Commissioner to ensure that the annual report is publicly available on the Fiji Police Force website and that key policing and accountability data is made readily accessible and updated at least quarterly.

Clause 161 provides for protection from liability. The clause provides that no civil or criminal proceedings lie against a Police officer for any act done or not done in good faith and in obedience to a warrant, summons or order that is, or appears to be, lawfully issued. The clause is intended to protect Police officers from personal liability when acting honestly within the scope of lawful authority.

The clause further provides that no civil or criminal proceedings lie against any Police officer or the Force for loss or damage suffered by a third party as a result of acts done or not done by a person impersonating a Police officer or the Force, or by a person falsely purporting an affiliation with the Force in breach of the Bill. This provision addresses harms caused by unauthorised impersonation rather than by the Force itself.

Clause 162 provides that the new legislation is to prevail over inconsistent written laws. The clause provides that the Bill has effect despite any provision of any other written law, and that where there is inconsistency between the Bill and another written law, the Bill prevails. The clause is intended to ensure coherence and certainty in the application of the Police governance and powers framework established under the Bill.

Clause 163 provides for regulation-making powers. The clause empowers the Minister to make regulations prescribing matters required or permitted by the Bill to be prescribed, or matters necessary or convenient for carrying out or giving effect to the Bill and achieving its purposes.

The clause further sets out, without limitation, specific matters that may be prescribed by regulations. These include prescribing written laws to be enforced by the Force under clause 7, procedural forms for applications and warrants, offences to which urgent search, covert operations and stop departure powers apply, thresholds for crime scene offences, rules governing forensic procedures and the handling, storage, retention and disposal of identifying particulars and forensic samples, and restrictions on the use or dissemination of sensitive information.

The clause also enables regulations to prescribe appeal periods, additional functions of the Disciplinary Tribunal, purposes for authorisations relating to Police insignia, informer protected offences and informer protection frameworks, and record-keeping requirements.

The clause provides that regulations must not prescribe matters that are required to be prescribed under standing orders under clause 164, thereby maintaining an appropriate division between ministerial regulations and internal administrative governance instruments.

Clause 164 provides for standing orders. The clause empowers the Commissioner to make standing orders considered appropriate for the governance and administration of Police staff, and for promoting efficiency, discipline and the prevention of negligence in the discharge of Police duties and functions.

The clause further sets out matters that may be prescribed by standing orders, including Police ranks and hierarchy, senior officer certification for oaths, training course requirements, salaries and allowances, uniforms and equipment, deployment and inspection procedures, the issue and handling of arms and ammunition, reporting requirements for use of arms, prescribed professions for Police associates, disciplinary trial procedures, complaint investigation timeframes, penalties for disciplinary offences, compulsory retirement age variations, prescribed health standards, and jurisdictional areas for community policing structures.

The clause also provides that standing orders relating to the use of arms must be consistent with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, ensuring alignment with international human rights standards.

Clause 165 provides for repeal. The clause repeals the Police Act 1965, which is replaced in full by the new legislative framework established under the Bill.

Clause 166 provides for transitional and savings provisions to ensure continuity in the governance and administration of the Fiji Police Force following the repeal of the former Act.

Subclause (1) provides that any oath sworn or affirmed by a member of Police staff under the repealed Act is deemed to have been sworn or affirmed under the Bill, where the person remains a member of Police staff immediately before the commencement of the Bill. This provision ensures that existing members are not required to retake the oath upon commencement.

Subclause (2) provides that any appointment made under the repealed Act and valid immediately before commencement continues in force under the Bill until it expires or is terminated in accordance with the Bill. This provision preserves the legality of existing appointments and avoids disruption to staffing arrangements.

Subclause (3) provides that any order of the President or Minister made under Part 7 of the repealed Act and in effect immediately before commencement is deemed to have been made by the Minister or the Commissioner under Part 4, Division 4 of the Bill. This provision ensures continuity of operational or service-related orders made under the former legislation.

Subclause (4) provides that any disciplinary matter relating to conduct occurring before the commencement of the new legislation must continue to be dealt with under the applicable provisions of the repealed Act as though those provisions remained in force. This provision ensures fairness and legal certainty by preventing retrospective application of the new disciplinary regime.

Clause 167 provides for consequential amendments to other written laws to ensure consistency with the new Police governance framework.
Subclause (1) amends section 277 of the Crimes Act 2009 by inserting references to "special constable" in relevant provisions. This amendment ensures that protections and offence provisions applying to Police officers extend equally to special constables appointed under the Bill.

Subclause (2) amends section 8 of the Bail Act 2002 by updating references to Police authority in bail-related decision-making. The clause substitutes outdated wording with a requirement that bail decisions at the Police station level be exercised by a Police officer of or above the rank of corporal. This amendment strengthens procedural clarity and ensures that station-level bail decisions are made at an appropriately senior level.

The Schedule sets out the form of the oath or affirmation required under clause 16. The oath affirms the member's duty to serve faithfully and diligently, to keep the peace, to prevent offences, and to perform the duties of office according to law.

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 Policing to be further discussed and deliberated on with the drafters.

NO.	Clause(s)	Issues
1.	Clause 2 (Senior Officer)	The Committee sought further clarification on the term *"an officer of and above the rank"*.
2.	Clause 7(2)(b)	The Committee questioned the rationale for specifically referencing the *Domestic Violence Act 200S* when *"other written laws"* appears sufficient to cover the Act.
3.	Clause 8(1)	The Committee reviewed the discretionary wording of the provision.
4.	Clause 11(3)	The provision permits the Commissioner to delegate powers to police officers of lower rank, which may create a risk of abuse of authority.
5.	Clause 12(3)	The Committee considered whether the provision adequately promotes gender equality.
6.	Clause 13	The Committee noted concerns regarding disclosure obligations in relation to convictions that have been legally expunged under the *Criminal Records Act*.
7.	Clause 14(2)(c)	The provision empowers the Commissioner to appoint special constables in villages to support the Police Force.
8.	Clause 17	The provision extends immunity from liability to both the Commissioner and police animal handlers arising solely from the presence of police animals.

9.	Clause 18	The provision creates an offence for intentionally or recklessly harming a police animal.
10.	Clause 20	The provision allows the Commissioner to engage non-members of the Police Force as Police Associates.
11.	Clause 20(2)	The Committee reviewed the Acts listed in the provision.
12.	Clause 23(b)(ii)	The structure of the provision requires further explanation.
13.	Clause 24	Clause 24 refers to clause 22(a). Section 22 contains no paragraphs (a), (b), etc. It simply provides that the Commissioner may require a candidate to provide a body sample. Mis-references: Section 24(a): "body sample obtained under section 22(a)" Section 24(c): "body sample obtained under section 22(a)"
14.	Clause 26(3)	The Committee considered it necessary to verify the training requirements prescribed.
15.	Clause 26	The Committee acknowledged the strong leadership training provided by the Police Force and the military.
16.	Clause 2G	The Committee reviewed the wording of the provision.
17.	Clause 32	The provision requires biometric information to be deleted or destroyed within 12 months of departure from service.
18.	Clause 41	Definition of "urgent search warrant" refers to wrong Division Section 41 defines: "*urgent search warrant*" means a warrant issued under Part 5, Division 3, Subdivision 3. However, urgent searches are located in: Part 5, Division 4, Subdivision 3 (sections 51- 55).
19.	Clause 48	The provision permits a Justice of the Peace to issue warrants.
20.	Clause 48	Section 48(c) refers to wrong subdivisions for covert warrants Section 48(c) provides that a Judge may issue: "a covert surveillance warrant under Division 5, Subdivision 1 and a covert or forcible entry warrant under Division 5, Subdivision 2."

		But Division 5 is structured as follows: Subdivision 1: Preliminary provision (section 56) Subdivision 2: Covert Surveillance Warrants (sections 57-61) Subdivision 3: Tracking / Covert or Forcible Entry Warrants (sections 62-67).
21.	Clause50(10)(a)	The Committee reviewed the drafting of the provision.
22.	Clause 5G	The Committee reviewed the discretionary wording used.
23.	Clause 62	The provision allows a senior officer to authorise the installation, servicing, or retrieval of a tracking device. The Committee considered that this authority should rest with the Commissioner.
24.	Clause 63(4)	The Committee considered the provision requires further explanation.
25.	Clause 65	The Committee reviewed the discretionary wording used.
26.	Clause 134	The Committee was of the view that the term *"standing order"* requires greater specificity.
27.	Clause 135	The Committee questioned the intention of the provision.
28.	Clause 136	The Committee considered the provision unclear.
29.	Clause 148	The Committee sought clarification on the meaning of the term *"disaffection"* and the persons or groups to whom it applies.
30.	Clause 152(2)	The provision makes it an offence for a person to fail to assist a police officer upon request and imposes a penalty of up to $5,000. The Committee considered this disproportionate and questioned the necessity of criminalising a person's decision not to render assistance.
31.	Clause 157	The provision exempts police staff acting under a court process from responsibility for any irregularity or lack of jurisdiction in the issuance of that process. The Committee expressed concerns regarding accountability and due process implications.
32.	Clause 158(3)	The Committee considered the provision unclear.

The Committee also made comparative analysis on the Police Act 1965 and the Fiji Police Bill 2026 which are tabulated as follows:

Area	Police Act 1965	Fiji Police Bill 2026	Explanation
Overall, Purpose & Scope	Basic framework for police organisation, discipline, and powers (colonial-era structure).	Repeals 1965 Act and creates a comprehensive modern policing framework aligned with Constitution, human rights, and technology.	Full legislative overhaul; modernisation.
Governance Structure	Commissioner had broad operational control with limited structured policy oversight.	Clear separation: Minister (policy direction) and Commissioner (operations, administration, deployment).	Stronger governance clarity and accountability.
Ministerial Powers	Less formalised policy direction role.	Minister can issue general policy directions; Commissioner must comply.	Increased political oversight within constitutional limits.
Police Force Composition	Primarily sworn officers and special constables.	Expanded categories: Police officers, special constables, employees, consultants, associates.	Flexible workforce including civilians and specialists.
Recruitment & Promotion	Limited statutory criteria; more discretionary.	Merit-based recruitment with criteria (integrity, fitness, psychological suitability, diversity, gender equity).	Professionalisation and transparency.
Training Requirements	Minimal statutory training obligations.	Mandatory human rights, gender, de-escalation, ethics training and continuing education.	Modern policing standards institutionalised.
Discipline Framework	Internal disciplinary processes; limited external oversight.	Multi-layered system: Code of Conduct, complaints platform, internal	Significant strengthening

		tribunals, independent Disciplinary Tribunal, appeals to High Court.	
Community Policing	Not formally structured in statute.	Dedicated Part on community policing, committees, partnerships, reporting obligations.	Institutionalised community engagement.
Search & Seizure	Conventional warrant/search provisions.	Expanded: general warrants, urgent searches, post-search approval, judicial oversight.	Greater flexibility but with safeguards.
Covert Operations	Not comprehensively addressed.	Specific regime for covert surveillance, tracking devices, covert entry warrants.	Addresses modern investigative needs.
Digital Evidence Powers	No provisions (pre-digital era).	Detailed powers to access digital devices, data, passwords, forensic copying.	Major modernization for cybercrime.
Forensic & DNA Powers	Limited or absent statutory framework.	Comprehensive regime for DNA, biometric data, forensic procedures, consent rules.	Scientific policing introduced.
Biometric/Data Protection	Not addressed.	Detailed rules on collection, storage, destruction of biometric information.	Strong privacy and data safeguards.
Use of Force	General powers without explicit international standards.	Use of force must be reasonable, proportionate, aligned with UN principles.	Human rights-based policing.
Technology Use (Drones, Bodycams)	Not addressed.	Recognises modern policing tools (body cameras, drones, databases)	Legal framework for tech policing.
Accountability & Reporting	Limited reporting requirements.	Mandatory audit, annual reporting, financial oversight.	Stronger transparency

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.

Written Submission received from:	Summary
Fiji Women Lawyers Association (FWLA)	The Fiji Women Lawyers Association (FWLA) supports the objectives of the Fiji Police Bill No. 12 of 2026 but recommends significant amendments to ensure policing is more accountable, inclusive, and rights based. Its submission calls for stronger protections for women, children, persons with disabilities, and survivors of violence; mandatory gender and human rights training for police officers; increased female representation in the force; independent oversight and disciplinary processes; clearer limits on police powers relating to arrests, searches, surveillance, and use of force; enhanced child safeguarding measures; expanded community policing services; and improved welfare and counselling support for officers. Overall, FWLA argues that the Bill should place greater emphasis on human rights, gender equality, transparency, and community trust in policing.
Reginald M Lutu	The submission by Reginald M. Lutu acknowledges the need to modernise Fiji's policing laws and replace the outdated Police Act 1965 but argues that the proposed Fiji Police Bill No. 12 of 2026 grants excessive powers to the police without adequate independent oversight and accountability mechanisms. The submission raises concerns about warrantless arrests and searches, surveillance powers, compelled disclosure of digital passwords, the Police Commissioner's authority to dismiss complaints, whistleblower restrictions, and broad immunity protections for police officers. Drawing on recent allegations of police brutality, deaths in custody, and international human rights standards, it contends that the Bill risks undermining constitutional rights and civil liberties. The key recommendation is the establishment of an independent civilian-led police oversight body with investigative and prosecutorial referral powers, alongside stronger judicial

	oversight of surveillance, protection of whistleblowers, limits on military involvement in policing, and removal of provisions that could shield misconduct from scrutiny.
Dr Sushil K Sharma	The submission by Dr Sushil K Sharma supports replacing the outdated Police Act 1965 but argues that the proposed Fiji Police Bill No. 12 of 2026 contains several provisions that grant excessive powers to police and the executive without adequate constitutional safeguards, oversight, or accountability. The submission raises concerns about ministerial influence over police operations during emergencies, warrantless arrests and searches, surveillance powers, compulsory disclosure of digital passwords, restrictions on freedom of movement, retention of biometric data, limits on complaints against police, broad immunity protections, and inadequate transparency. While acknowledging positive reforms such as enhanced training, use-of-force standards, and the establishment of an independent disciplinary tribunal, it recommends substantial amendments to strengthen human rights protections, judicial oversight, transparency, and democratic accountability before the Bill is enacted.
Felix Colatanavanua	The submission by Felix Colatanavanua supports modernising Fiji's policing framework through the Fiji Police Bill No. 12 of 2026 but argues that the Bill grants excessive powers to police without sufficient safeguards against abuse and corruption. The submission calls for the removal or amendment of provisions relating to warrantless arrests, oral surveillance warrants, forced disclosure of digital passwords, property destruction during investigations, and police-imposed travel bans, while supporting modern forensic, biometric, and investigative capabilities subject to judicial oversight. Its further advocates for a fully independent Internal Affairs Division, stronger anti-corruption measures, whistleblower protection, integration with FICAC, stricter penalties for police misconduct, enhanced evidence management, and comprehensive digital transformation of police services to improve accountability, transparency, efficiency, and public trust.

Fiji Women's Crisis Centre (FWCC)	The Fiji Women's Crisis Centre (FWCC) supports the modernisation of policing through the Fiji Police Bill No. 12 of 2026 and welcomes its recognition of human rights, gender-responsive policing, and professional development, but argues that several provisions remain overly broad and risk undermining accountability, privacy, and civil liberties. FWCC recommends stronger independent civilian oversight of police complaints, tighter judicial supervision of surveillance, search, and digital access powers, clearer limits on the use of force, greater protection for whistleblowers and freedom of expression, reduced political influence over police operations, independent forensic services, and enhanced safeguards for survivors of violence. Overall, FWCC calls for amendments to ensure the Bill is fully aligned with constitutional protections, international human rights standards, transparency, and public trust in policing.
Ore-Ashen Consulting	The submission by Ore-Ashen Consulting, through its Director Paul Waqainabete, calls for an immediate stay on the enactment of the Fiji Police Bill pending a targeted review of provisions that it argues may undermine constitutional rights and due process. The submission raises concerns about expanded police powers relating to warrantless searches and arrests, compelled access to electronic devices, biometric and DNA data collection, and covert surveillance, which it contends require stronger judicial oversight and safeguards. It recommends a short public consultation and expert review process, mandatory judicial authorisation for intrusive powers, stricter limits on the collection and retention of biometric data, the establishment of an independent civilian oversight body, clearer protections for freedom of expression, and stronger legal remedies for breaches of due process. Overall, the submission seeks amendments to ensure the Bill balances effective policing with constitutional rights, accountability, and public confidence.
Semesa Tuicolo	In his submission, Semesa Tuicolo supports the objectives of the Fiji Police Bill (Bill No. 12 of 2026) but stresses that public confidence in policing depends on professionalism, accountability, and respect for human rights. He recommends the establishment of independent oversight for complaints

	against police officers, stronger disciplinary procedures, mandatory investigations into serious misconduct allegations, clearer definitions of police powers and limitations, stronger conflict-of-interest safeguards in investigations involving police personnel, and greater emphasis on community policing. At the same time, he notes that police officers who act lawfully and professionally should be protected from malicious or unfounded complaints. Overall, the submission calls for a balanced policing framework that strengthens accountability while supporting effective law enforcement and public trust.
Trans Affirmatives Action Guild (TAAG)	The submission by the Trans Affirmative Action Guild (TAAG) supports the modernisation of policing through the Fiji Police Bill 2026 (Bill No. 12 of 2026) but argues that the Bill does not adequately protect transgender, non-binary, intersex, and other gender-diverse persons. TAAG recommends explicit protections against discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC), gender-inclusive procedures for police searches and forensic examinations, workplace protections for gender-diverse police personnel, recognition of identity-based misconduct as serious disciplinary offences, and mandatory human rights, gender, and SOGIESC sensitivity training for all police officers. The submission contends that these reforms are necessary to align the Bill with Fiji's constitutional and international human rights obligations and to ensure equitable treatment and protection for all members of society.
Liberation of Fiji Party	The submission by the Proposed Liberation of Fiji Party strongly opposes the proposed Fiji Police Bill, arguing that it is inconsistent with the rights and freedoms protected under the 2013 Constitution and grants excessive powers to the police and the Minister responsible for policing. The submission raises concerns about provisions allowing ministerial direction of the Police Commissioner, preventive arrests, warrantless searches, covert surveillance, stop departure orders, compelled access to digital devices, dismissal of public complaints against police, restrictions on police communication, and immunity for officers acting in "good faith." It further advocates retaining the existing Police Act Cap 85, contending that it has

	proven effective over time and provides an adequate legal framework for policing. Overall, the submission calls for the withdrawal or substantial amendment of the Bill on the grounds that it threatens civil liberties, democratic accountability, judicial oversight, and the rule of law.

Date	Venue	Key Submission
23/06/26	PA's Conference Room, Savusavu.	Aren Nunnink expressed support for the objectives of the **Fiji Police Bill 2026** but submitted that the Bill, in its current form, grants excessive police powers without sufficient safeguards, oversight, and accountability mechanisms. He raised concerns regarding warrantless arrests, warrantless searches and retrospective warrants, compelled access to digital devices, and broad immunity provisions for police officers acting in "good faith", arguing that these provisions could undermine constitutional rights, privacy protections, and public confidence in law enforcement. He further questioned the adequacy of remedies available to citizens affected by unlawful police actions and cautioned against creating a legal framework susceptible to abuse by future governments. A key theme of his submission was the absence of an independent and comprehensive whistleblower protection mechanism. Mr. Nunnink argued that public confidence in reporting police misconduct remains low due to fears of retaliation and the lack of secure reporting avenues, particularly where corruption involves police officers themselves. While acknowledging the need for a modern Police Act capable of addressing serious crime, including drug trafficking, he maintained that stronger safeguards are required to protect civil liberties, ensure accountability, and maintain investor confidence. Accordingly, he urged the Committee to strengthen independent oversight of police conduct, narrow the scope of certain police powers,

		align digital evidence provisions with constitutional protections against self-incrimination, and establish an independent and anonymous whistleblower reporting mechanism.
02/07/26	Labasa Town Council Chambers	• Participants raised concerns that the Fiji Police Bill grants extensive police powers, particularly in relation to warrantless searches, and may adversely affect personal liberties and constitutional rights. Some submitters expressed concern that, without adequate safeguards and oversight mechanisms, the Bill could enable excessive state control and contribute to the creation of a "police state." The Committee also advised attendees that further public consultations on the Bill could be conducted in the Northern Division to facilitate broader public participation.
04/07/26	DO Conference Room, Taveuni	• Submitters expressed concern over provisions allowing police to enter and search premises without a warrant and obtain judicial authorisation after the fact, arguing that such powers could undermine privacy rights and civil liberties if not subject to adequate safeguards. • Concerns were raised regarding police powers to seize electronic devices without a warrant, with particular emphasis on privacy, proportionality, and protections against misuse. • Several participants cautioned that the Bill grants broad powers relating to searches, surveillance, and access to personal information, and stressed the need to balance effective law enforcement with the protection of human rights. • Submitters, including Justices of the Peace, opposed proposals permitting JPs to issue search warrants, maintaining that such

		authority should remain with magistrates and judges. • Participants highlighted the absence of sufficiently independent oversight and accountability mechanisms for police conduct and disciplinary matters, and supported the establishment of stronger independent review and complaints processes.
06/07/26	Navuavua Village, Rakiraki	• Search warrant issued by JP – reservations about these provisions as some JP's are not as literate and may abuse this power • Support the Fiji Police Bill – respect human rights, avoid abuse of Police powers, reiterated that the human rights are upheld and the possibility of becoming a Police state is avoided at all costs. • Provide weapons for the Fiji Police Force – in an attempt to arm the force with the right tools to combat the rising criminal act • The current Police Bill will repeal the old law or only some provisions and it was noted that it does not necessarily Criminal Procedures Act • Appointment of traditional police constables to look into minor misdemeanors committed in the village.
07/07/26	Ba Market Bure	• Concerns were raised that the Bill grants broad powers relating to warrantless searches, surveillance, digital device access, and the collection of DNA and biometric information, with insufficient safeguards against misuse. • Submitters cautioned that certain provisions may infringe fundamental rights, including privacy, protection from unreasonable searches, freedom from self-incrimination, due process, and freedom of movement. • Strong support was expressed for the establishment of an independent complaints

		and oversight body to investigate police misconduct and improve public confidence in accountability processes. • Participants recommended stronger judicial scrutiny of search warrants, surveillance activities, and covert operations, and opposed expanding warrant-issuing powers to Justices of the Peace. • Concerns were raised regarding provisions granting immunity to police officers, with submitters emphasising that officers should remain accountable for misconduct and that victims should have access to remedies. • Legal submissions identified drafting inconsistencies, incorrect cross-references, undefined terms, typographical errors, and clause numbering issues that could create legal uncertainty. • While supporting community policing initiatives, participants advocated strengthening existing structures rather than conferring additional policing powers on community representatives without adequate training and safeguards. • Submitters highlighted concerns relating to abuse of authority, inadequate training, poor public engagement, confidentiality breaches, and public reluctance to report information, stressing the need to improve trust and accountability alongside expanding police powers.
09/07/26	Nadi Civic Centre	• Lack of customer service and verbal abuse in the Police Stations reported by a submitter. • Support the Bill as it introduces a mechanism to prevent and reduce crimes in Fiji. • Recommended that Police be given the powers for warrants- so they can execute search as soon as the crimes are suspected to

		be taking place – to wait for the warrant to be issued by the Court often hinders the work of the Police as they are unable to carry out their work effectively. • Village constables – are encouraged but calls for the officers nominated to be intelligent and have some qualification.
09/07/26	Taiperia Community Hall	The submission generally supported stronger community participation in policing and crime prevention while advocating appropriate safeguards and accountability mechanisms. The submitter recommended empowering village leadership to address minor community disputes before matters are referred to the Police and sought clarification on the role and functions of Community Police Officers. In response, the Committee noted that the Bill provides for the appointment of Village Constables and establishes a framework for community policing. The submitter also emphasised the importance of strengthening collaboration between communities and the Police through the timely sharing of reliable information to support crime prevention and investigations. The submission further opposed granting **Justices of the Peace** the authority to issue search warrants, arguing that such powers should remain with the judiciary to prevent potential abuse. Additional recommendations included the digitalisation of police systems and enhanced cybersecurity measures to improve policing effectiveness. The submitter further called for greater emphasis on crime prevention, public awareness, and rehabilitation initiatives, particularly targeting young people, and highlighted the need for robust whistleblower protections to safeguard individuals who report criminal conduct from retaliation.

10/07/26	Lawai Village, Sigatoka	The submitter expressed strong opposition to the **Fiji Police Bill**, arguing that several of its provisions undermine the rights and freedoms protected under the Constitution of Fiji and international human rights standards. The submission contended that the Bill confers excessive powers on law enforcement authorities, potentially concentrating authority in a manner that could weaken civil liberties and increase the risk of executive overreach. The submitter therefore recommended substantial revision of the Bill prior to enactment to ensure that it is consistent with constitutional protections and fundamental rights. Particular concern was raised regarding provisions authorising warrantless searches, access to electronic devices, and the compulsion of individuals to disclose passwords or other digital access information. The submitter argued that these powers are overly broad, lack adequate safeguards, and may infringe upon rights to privacy, due process, and protection from arbitrary search and seizure. The submission accordingly called for stronger judicial oversight, enhanced accountability mechanisms, and additional safeguards to ensure that police powers are exercised proportionately and in accordance with constitutional principles
09/09/26	Octa Room, Parliament Precincts, Government Building	• Ministry of Policing Submission on the Fiji Police Bill 2026 • Strongly supports retaining Division 9 (Forensic Procedures) in the Fiji Police Bill, arguing that removing it would eliminate the legal framework that regulates forensic evidence collection and safeguards constitutional rights. • The Ministry acknowledges that forensic powers are intrusive and therefore require clear statutory safeguards, oversight, accountability, consent requirements,

		judicial authorization, and protection of vulnerable persons. • Committee members agreed on the importance of forensic investigations but raised concerns about independence, objectivity, and public confidence if forensic functions remain solely under the Police. • Several submissions received by the Committee recommended establishing an independent forensic body separate from the Police to strengthen impartiality and credibility. • The Ministry opposed creating a separate forensic agency at this stage, citing Fiji's limited financial and human resources, and argued that forensic services are more practical and efficient within the Police Force. • The Ministry supported introducing civilian oversight mechanisms, such as an independent board, to oversee forensic operations, surveillance activities, and reporting requirements. • Committee members stressed the need for stronger guardrails against corruption, interference, evidence tampering, and political influence, particularly given concerns about organized crime and drug-related offences. • The Ministry highlighted the growing importance of forensic and digital evidence, noting that successful prosecutions increasingly depend on scientific evidence rather than confessions. • Officials stated that Fiji is strengthening its digital forensic capabilities, including secure government data centers, cybercrime tools, blockchain tracking technology, and Cellebrite forensic technology for mobile device investigations.

		• Significant discussion focused on balancing police investigative powers with constitutional rights, especially regarding privacy, surveillance, phone access, and data collection. • Committee members raised concerns that some provisions could potentially infringe on rights and called for stronger judicial oversight, warrant requirements, and accountability measures. • The Ministry agreed that stronger safeguards, independent oversight, reporting obligations, and penalties for misuse of forensic information should be incorporated into the Bill. • Concerns were also raised about provisions allowing the Commissioner of Police to delegate powers to any police officer, with consensus that delegation should be limited to senior executive officers such as Deputy and Assistant Commissioners. • Committee members highlighted the importance of training, updated police curricula, video-recorded interviews, and human rights education to support implementation of the new legislation. • The overall conclusion was that forensic powers should remain in the Police Bill but be accompanied by enhanced oversight, independence, accountability, transparency, and protection of individual rights.

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

The Committee, in its analysis of the Sustainable Development Goals (SDGs), considers that the Bill contributes to the achievement of the following SDGs:

SDG 5: Gender Equality
The Bill supports SDG 5 through provisions promoting professional policing, human rights training, and improved responses to women and other vulnerable groups. Stakeholders emphasized the importance of gender-sensitive training and effective accountability mechanisms to ensure these protections are realised in practice.

SDG 9: Industry, Innovation and Infrastructure
The Bill advances SDG 9 by strengthening cybercrime investigations, digital evidence management, and forensic capabilities within the Fiji Police Force. These provisions support the modernization of policing systems and the use of technology in law enforcement.

SDG 10: Reduced Inequalities
The Bill contributes to SDG 10 by promoting equitable access to policing services and justice, including through community policing initiatives. Ensuring investigative powers are exercised fairly and without discrimination remains essential to protecting vulnerable and marginalized groups.

SDG 11: Sustainable Cities and Communities
The Bill supports SDG 11 by strengthening public safety, crime prevention, and community security through enhanced policing measures and community engagement. Effective implementation is expected to foster safer and more resilient communities.

SDG 16: Peace, Justice and Strong Institutions
The Bill advances SDG 16 by strengthening police governance, investigations, community policing, and crime prevention to support effective and accountable law enforcement. Concerns raised during consultations regarding warrantless powers, surveillance, and police immunity highlight the need for strong oversight and accountability safeguards.

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

3.7 Outcome of Review

The outcomes of the review are reflected in the revisions to *the Fiji Police 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	Committee Instructions	Recommended Amendments
7 (2) (b)	The Committee questioned the rationale for specifically referencing the Domestic Violence Act 2009 when "other written laws" appears sufficient to cover the Act and recommended its deletion.	(b) give full effect to the duties and responsibilities of the Force provided under this Act, ~~the Domestic Violence Act 2009~~ and any other written law of Fiji;
Clause 8 (1)	The Committee reviewed the provision and instructed that the word "may" be replaced with "must" to remove discretion and create a mandatory obligation.	8. —(1) The Commissioner ~~may~~ must, in a state of emergency declared by the Prime Minister under section 154 of the Constitution, direct the Force to deal effectively with the circumstances that threaten the security and safety of all or a part of Fiji.
Clause 11 (1)	The Committee noted concerns regarding the delegation of powers to lower-ranking officers but recommends retaining the provision, subject to appropriate safeguards, written delegations, and higher-level authorisation for intrusive powers.	*Delegation of Commissioner's powers* 11.—(1) The Commissioner may, by instrument in writing, delegate any of the Commissioner's powers, duties or functions under this Act to the Deputy Commissioner or a Police officer, other than this power of delegation. (2) The delegation— a) must specify the power, duty or function delegated; *(~~a~~b)* may be made subject to any condition or restriction that the Commissioner considers appropriate, including any factor that must be taken into account when the delegation is made; (~~b~~c) may be made generally or for any particular case or to any particular area in Fiji; ~~(c) must not be delegated to any other person;~~ (d) may be revoked by the Commissioner at any time; and

		(e) does not prevent the Commissioner from the exercise of the delegated power, or the performance of the delegated duty or function.
Clause 12 (3)	The Committee considered the provision's promotion of gender equality and instructed that "may" be substituted with "must" to impose a mandatory obligation, which was supported by the Ministry.	(3) If 2 or more applicants are of equal merit, the Commissioner ~~may~~ must take into account the need for the Force to contain officers from diverse backgrounds and to promote gender and ethnic equity
Clause 13	The Committee noted concerns regarding the disclosure of convictions that have been lawfully expunged and instructed clarification of the provision to ensure consistency with the Criminal Records Act.	—(1) The Commissioner may recruit a person as a Police officer. (2) The Police officer must, on joining the Force and before taking an oath or making an affirmation under section 16, give an honest answer to any question asked of him or her in relation to — (a) any previous service in any other organisation; and (b) whether he or she has at any time been convicted of any criminal offence, other than a conviction that is an expunged conviction under the Criminal Records Act 2026.
Clause 24	The Committee identified incorrect references in clause 24 to section 22(a), noting that section 22 does not contain paragraph (a) and only provides for the Commissioner to require a candidate to provide a body sample, and therefore instructed that all references to "section 22(a)" be replaced with "section 22".	24. The Commissioner must ensure that— (a) a DNA profile is established from the body sample obtained under section 22~~(a)~~; (b) the biometric information relating to a candidate is stored in the Force database; and (c) except in the circumstances described in section 23(b)(ii), any body sample obtained under section 22~~(a)~~ is destroyed promptly
Clause 29	The Committee reviewed the wording of the provision and instructed the insertion of the word "staff" immediately after "police".	(3) The Commissioner may only direct a member of Police staff or Police associate to provide a body sample or biometric information that is relevant to the purpose of the direction.

Clause 41	The Committee identified an incorrect cross-reference in the definition of "urgent search warrant", noting that urgent searches are provided for under Part 5, Division 4, Subdivision 3 rather than Division 3, and instructed that "Division 3" be replaced with "Division 4".	"urgent search warrant" means a warrant issued under this Part, Division ~~3~~4, Subdivision 3.
Clause 47	The Committee instructed the deletion of paragraph (a) of this provision – power to arrest without a warrant	47.—(1) A Police officer may, without a warrant, arrest a person— ~~(*a*) who is about to commit an offence;~~ (~~*b*~~*a*) who is committing an offence; (~~*c*~~*b*) who the officer suspects on reasonable grounds is about to commit an offence; or (~~*d*~~*c*) who the officer suspects on reasonable grounds is committing an offence.
Clause 48	The Committee identified an incorrect cross-reference in section 48(c) relating to covert warrants and instructed that the subdivision references be amended to correctly reflect the structure of Division 5.	48. The following persons may issue a search warrant— ~~(a) a Justice of the Peace, for a general search warrant under this Division, Subdivision 2;~~ (~~*b*~~*a*) a magistrate, for a general search warrant under this Division, Subdivision 2 or an urgent search warrant under this Division, Subdivision 3; and (~~*c*~~*b*) a Judge of the High Court of Fiji, for a covert surveillance warrant under Division 5, Subdivision ~~1~~2 and a covert or forcible entry warrant under Division 5, Subdivision ~~2~~3.
Clause 50 (10) *(a)*	The Committee reviewed the drafting of the provision and instructed the insertion of the word "or" immediately after "article".	(10) A Police officer executing a warrant must make an endorsement on the warrant stating whether— (a) the officer found the article or a person sought; and

Clause 59	The Committee reviewed the discretionary wording of the provision and instructed that "may" be substituted with "must" to ensure the relevant considerations are mandatory safeguards for the issuance of a covert surveillance warrant, which was supported by the Ministry.	*Considerations for issuing authority* 59. In determining whether a warrant should be granted under this Subdivision, the issuing authority ~~may~~ must have regard to the following—
Clause 65	The Committee reviewed the discretionary wording of the provision and instructed that "may" be substituted with "must" to impose a mandatory obligation.	*Considerations for issuing authority* 65. In determining whether a warrant should be granted under this Subdivision, the issuing authority ~~may~~ must have regard to—
Clause 119	The Committee instructs the insertion of the word "committed" after "being"	*(c)* an offence is being committed or is about to be committed at or near that place.
Clause 123	The Committee recommended replacing "may" with "must" to make the requirement mandatory and ensure consistent application of the provision.	*Code of conduct* 123.—(1) The Minister ~~may~~ must, on the recommendation of the Commissioner, prescribe a code of conduct for Police staff.
Clause 126	The Committee recommended the insertion of a new sub-clause to require the Commissioner to respond to complaints within 30 days and ensure timely resolution of complaints.	*Complaints against member of Police staff* 126.— (1) A person may make a complaint against any member of Police staff to the Commissioner in the prescribed form and manner. (2) The Commissioner must establish a platform which allows for the anonymous and user-friendly lodgement of complaints. (3) The Commissioner must within 30 days after receiving a complaint, respond to the complaint.
Clause 148	The Committee sought clarification on the meaning and application of the term "disaffection" and, following its review, instructed the deletion of section 148(1) and its heading, and the retitling of section 148(2) as "Inducement".	~~*Disaffection*~~ *Inducement* ~~148. (1) A person who causes or attempts to cause or does an act calculated to cause disaffection amongst Police staff commits an offence and is liable on conviction to a fine not~~

		~~exceeding $1,000 or imprisonment for a term not exceeding one month or both.~~ ~~(2)~~ *A person who induces or attempts to induce or does any act calculated to induce a member of Police staff to withhold his or her services or to commit any breach of discipline commits an offence and is liable on conviction to a fine not exceeding $1,000 or imprisonment for a term not exceeding one month or both.*
Clause 158	The Committee considered the provision unclear and instructed that it be reworded for clarity, a recommendation supported by the Ministry to ensure the intended legal effect is clear and consistent with the surrounding provisions.	(2) If a~~ny book,~~ document produced ~~or paper submitted as evidence or subject to inspection~~ in a~~ny~~ civil or criminal proceeding contains information that identifies, or could identify ~~an entry in which~~ an informer ~~or person is named or described or which might lead to his or her discovery~~, the court must ~~cause all such passages to be concealed from view or to be obliterated so far as may be~~ conceal or remove that information as necessary to protect ~~the informer or person from discovery~~ that persons identity. (3) If, in any proceeding before a court for an informer protected offence, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he or she knew or believed to be false or did not believe to be true, ~~or if in any other proceeding a court is of opinion that justice cannot be fully achieved between the parties without disclosure of the name of an informer or a person who has assisted the Police~~, the court may permit inquiry and require full disclosure concerning the informer or person. (4) If in any other proceeding a court is of opinion that justice cannot be fully achieved between the parties without disclosure of the name of an informer or a person who has assisted the Police, the court may permit inquiry and require full disclosure concerning the informer or person

Schedule-Oath or Affirmation		OATH OR AFFIRMATION "I, [name], swear that I will bear true allegience to the Republic of Fiji, faithfully and diligently serve the Fiji Police Force, without favour or affection, malice or ill-will. While a member of Police staff, I will, to the best of my power, keep the peace and prevent offences against the peace, I will not disclose any confidential information that comes to my knowledge by reason of my office and will, to the best of my skill and knowledge, perform all the duties of the office according to law

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 Fiji Police Bill 2026.

The Committee through this report commends the ***Fiji Police*** **Bill** ***(Bill No. 12 of 2026)*** to the Parliament.

MEMBERS SIGNATURES



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Hon. Ratu Rakuita Vakalalabure
(Chairperson)



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



…….
Hon. Jone Usamate
(Member)



.....…….....
Hon. Ratu Josaia Niudamu
(Member)



…….
Hon. Sachida Nand
(Member)



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Hon. Ratu Isikeli Tuiwailevu
(Member)

DATE:02/11/2026