

What Is The Rotuma Lands Bill 2015?



A meeting between members of the Standing Committee on Social Affairs in Rotuma.

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The Rotuma Lands Bill 2015 is aimed to assist Rotumans manage their natural resources, says Viam Pillay.

The Standing Committee on Social Affairs chairman said that most people are looking at the Bill from a totally different perspective.

“We have completed rounds of consultations on the Bill. We have got positive and negatives responses, for that we seek clarifications from the Solicitor-General.

“The problem is that people think that the Bill has been enacted. This is where they are wrong.

“Our team will sit again and scrutinise the Bill before we make a decision on it,” he said.

Mr Pillay said it doesn't mean that if the Bill was enacted it would take away their rights to land and fisheries.

“The main reason of having public consultations on the Bill is to hear what their views are on the Bill; this

is why we have gone around Fiji and received submissions from Rotumans living overseas, the interest of people are very important in scrutinising a Bill,” he said.

What is the Rotuma Lands Bill 2015?

According to the Parliament of Fiji, the Bill Summary states that the Rotuma Lands Bill No. 7 of 2015 repeals and replaces the Rotuman Lands Act.

Furthermore, the Bill was first tabled in Parliament on May 2015, and then it was re-introduced to Parliament in April last year.

The Bill provides for:

the repeal and replacement of the Rotuma Land Act (Cap.138)

the regulation and administration of Rotuma lands

the establishment of a Lands Commission in Rotuma

the registration of Rotumans

the regulation of registration and transmission of land and related matters.

Difference between the Rotuma Lands Bill (2015) and the Rotuma Land Act (Cap.138)

Definition of a child in the Act (a person under 21 years of age)

Bill – a person who has not reached the age of 18 years

Definition of Rotuman

Act- any person of Rotuman or part Rotuman descent , it is left to the Council to decide in case of dispute and anyone aggrieved by the Council’s decision can appeal to the Minister for a final decision

Bill- any person of Rotuman or part Rotuman descent who is registered or eligible to be registered in the PEFR.

Registration of Rotumans

A new provision in the Bill is the formal Registration of Rotumans.

The Bill establishes a formal register of Rotumans to be known as Puk ne Es on Famor (PEFR) , to be updated, maintained and kept in Rotuman by the Rotuma Lands Commission.

This doesn’t exist in the Act, although the Commission was responsible for registering Rotumans in their respective kainaga.

Functions of the Rotuman Lands Commission

Bill expanded – 6 functions in the Rotuma Land Act (Cap.138) whereas the Bill has 10 specific functions (a-

j)

Functions in the Bill – to inquire into and ascertain all lands that have been given away under various customary

establish the types of dealings entered into

inquire into a situation where the kainaga is alleged to have withdrawn its support from the person to whom they had entrusted the position of pure as the person alleged to be unfit his or her general management of hanua ne kainaga and revert to kainaga land for which a term of lease, tenancy or the purpose for which it was granted has elapsed.

Establishment of an Appeals Tribunal

Bill provides for the establishment of an Appeals Tribunal (clause 10)

Act appeals from aggrieved persons are hear by the ‘Commissioner, Eastern Division, sitting with two Rotuman assessors appointed by Council to advise him’.

Bill- tribunal is established by the Minister following a recommendation from the Commissioner responsible for the Central and Eastern Division and consultation with the Deputy Secretary responsible for Rotuma.

Tribunal should consist of a chairperson and two other members of the Rotuma community who are well versed with the customs of Rotuman land tenure.

New provision in the Bill effectively removes the power of the Commissioner Eastern to hear and make decisions regarding appeals.

Unowned land

Act – Unowned land is vested in the Crown in trust for the Rotuman people but shall not be deemed to be crown land.

Bill- these lands are held in trust by the Council for Rotumans who are registered in the PEFR and habitually reside in the district where such land is situated and such land shall not be deemed as land owned by the Council.

Offences and Penalties

The fine for offences in relation to boundaries have increased from ‘a fine not exceeding forty dollars’ (S 34(1) of the Act) to a ‘fine not exceeding \$100’ (S34(1) of the Bill) .

Act –there was a provision (S35) ‘penalty for insulting or interrupting Commission’ which made it an offence if someone ‘wilfully insults a member of the Commission’ while engaged in taking evidence in an inquiry.

Bill –the provision has changed and grouped together under clause 34 as subsection 3.

Wording has from ‘wilfully insults’ to ‘wilfully interferes’ and the fine has increased to ‘a fine not exceeding \$200’ whilst in the Act it was \$40

Minister Responsible

Act- the administration of the law and registrations were controlled by the Office of the Prime Minister.

Bill term 'Minister' means Minister responsible for Rotuma.

Edited by Maraia Vula