



## **REVIEW OF LEGISLATIONS AFFECTING THE GENERAL WELFARE OF THE ISLAND OF ROTUMA**

### **TERMS OF REFERENCE**

The Government of the Republic of the Fiji Islands through the Office of the Prime Minister is to undertake a review of existing legislations which affect the general welfare of the island of Rotuma and its people. The review is intended to specifically address legislation governing public administration on Rotuma including the administration of customary land.

The relevant legislations are:

- (i) **The Rotuma Act [Cap.122]** makes special provisions for the governance of Rotuma, particularly, in relation to the establishment of the District Officer's Court System. It also contains provisions for the establishment and administration of the Council of Rotuma, the Rotuma Development Fund and the Rotuma Agricultural and Loan Fund, to provide for the good government, development and advancement of the Rotuman community on Rotuma;
- (ii) **The Rotuma Lands Act [Cap.138]** regulates the registration and transfer of non-freehold land on Rotuma notably land that is owned by Rotumans by virtue of "customary land tenure". It provides for the administration of customary land and the establishment of the Rotuma Lands Commission whose responsibilities include:
  - determining customary ownership and boundaries; and
  - maintaining a land register to record dealings with the land, in terms of ownership, leasing and boundaries.

Copies of the Rotuma Act [Cap. 122] and the Rotuma Lands Act [Cap 138] as well as the Terms of Reference can be viewed and downloaded from the official Government website at [www.fiji.gov.fj](http://www.fiji.gov.fj)

**The review is intended to generally assess and determine:**

- (i) whether provisions of the Rotuma Act are now obsolete and limit the ability of the Rotuma Island Council to adequately provide for the good governance and welfare of Rotumans;
- (ii) whether the land tenure system of Rotuma is able to ensure adequate protection for landowners and improve economic development opportunities; and
- (iii) the need for the introduction of land dispute resolution mechanisms given that these are currently non-existent in existing legislations.

**The review of Rotuman legislation will therefore need to specifically consider whether:**

- (a) Special provision for the governance of Rotuma needs to be maintained and if so whether reforms are needed to improve their effectiveness and efficiency, and promote good governance, particularly, in relation:
  - (i) the type of court system on Rotuma and whether or not other legislative measures are needed to improve the provision of other public services such as law and order, health and education etc;
  - (ii) the composition and functions of the Council of Rotuma to meet the current needs and aspirations of the people of Rotuma;
  - (iii) the administration of the Rotuma Development and Agricultural and Loan Funds;
  - (iv) any other limitations to the current law, which hinder effective public administration of Rotuma; and
- (b) whether reforms are needed to improve the land administration on Rotuma, particularly, as regards:
  - (i) proper determinations as to customary land ownership and boundaries;
  - (ii) creating an enabling environment for economic development;
  - (iii) providing adequate protection for landowners; and
  - (iv) putting in place effective dispute resolution mechanisms.

The members of the Review Team are:

- (i) Mr. Fatiaki Misau (Chairman);
- (ii) Major Tiu Malo; and
- (iii) Ratu Jone Naeqe Nakautoga.

**The Review Team intends to conduct a programme of public meetings** and consultations to receive oral and written submissions through the major centres in Fiji and Rotuma commencing from about mid-July 2009.

Specific dates, venues and times for intended public meetings and consultations will be published for public notification and information in the coming week.

**Those interested in forwarding written submissions** can do so by mailing these to the following addresses:

Hard copy

**Rotuma Legislation Review  
c/- PO Box 2353  
Government Buildings  
Suva.**

**OR**

Soft copy

**Email to [AkanisiV@govnet.gov.fj](mailto:AkanisiV@govnet.gov.fj)**

Further inquiries can be directed to the Development Co-operation and Facilitation Division, Prime Minister's Office on telephones 3211475 or 3211265.

\*\*\*\*\*