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# **STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS**

## **Report on the Review of the Heritage Bill 2023 (Bill No. 25 of 2023)**



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## CHAIRPERSON’S FOREWORD

The Standing Committee on Justice, Law and Human Rights was referred the Heritage Bill in September 2023, to scrutinise and to return a report of its findings to Parliament.

On 21 November 1990, Fiji became a party to the Convention Concerning the Protection of the World Cultural and National Heritage, which was adopted by the United Nations Educational, Scientific and Cultural Organization (‘UNESCO’) General Conference in 1972 (‘**World Heritage Convention**’).

Fiji, as a State party to the World Heritage Convention, is required under the World Heritage Convention to adopt legislative and administrative provisions to give effect to the World Heritage Convention. Therefore, the Heritage Bill 2023 (‘**Bill**’) provides for the domestic application of the World Heritage Convention in Fiji.

The Heritage Bill 2023 (Bill No. 25 of 2023) was introduced to recognize and manage places in Fiji with potential and Outstanding Universal Value. The bill aims to align Fiji’s domestic laws with the UNESCO World Heritage Convention, ensuring the protection of Fiji’s unique natural and cultural heritage.

Key components of the bill include:

- **Establishment of the Fiji Heritage Council:** To oversee the recognition and management of heritage sites.
- **Establishment of the Fiji Register:** To document and acknowledge heritage sites.
- **Management and Operating Trust Funds:** To provide financial support for the preservation of heritage sites.
- **Buffer Zones:** To offer additional protection to heritage sites by regulating activities in surrounding areas.

The bill was developed to ensure Fiji meets its international obligations and to promote a sense of national pride and identity.

As part of the review the Committee conducted public consultation in various communities and invited the public to provide written submissions. The majority of those participated in the public consultations supported and commended the introduction of the Bill. However, mixed feelings were expressed by landowners where their lands are within the buffer zones. While there was considerable support due to the potential for increased tourism and preservation of cultural heritage, concerns were raised on the restrictions on land use and development.

Consideration was also given to the impact of the Bill on Fiji’s efforts in meeting its targets of the Sustainable Development Goals (SDG).

The Committee has deliberated on all concerns raised by submitters and amendments made to the initial Bill where it was deemed appropriate.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Iliesa Vanawalu (Deputy Chairperson), Hon. Lenora Qereqeretabua, Hon. Jone Usamate, and Hon. Mosese Bulitavu. I would also like to acknowledge the former and alternate members of the Committee Hon. Faiyaz Koya, Hon. Ratu Josia Niudamu, Hon. Viliame Naupoto and Hon. Taito Rokomatu who also contributed immensely to the deliberation of the Bill.

I, on behalf of the Committee, commend the *Heritage Bill (Bill No. 25 of 2023)* to the Parliament and seek support of all the members of this August house for the Bill.



.....  
**HON. RATU RAKUITA VAKALALABURE**  
**CHAIRPERSON**

## **COMMITTEE COMPOSITION**

The Committee is made up of Government and Opposition Members. Members of the Standing Committee are as follows;



**Hon. Ratu Rakuita Vakalalabure  
(Chairperson)**



**Hon. Iliesa Vanawalu  
(Deputy Chairperson)**



**Hon. Mosese Bulitavu  
(Member)**



**Hon. Lenora Qereqeretabua  
(Member)**



**Hon. Jone Usamate  
(Member)**

### **Committee Secretariat Team**

The Committee has been supported in its work by the Committee Secretariat, appointed 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 Assistant

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## **1.0 INTRODUCTION**

### **1.1 Background**

In accordance with SO 51(2), the Heritage Bill 2023 was assigned to be reviewed by the Standing Committee on Justice, Law and Human Rights on September 2023. The Committee was tasked 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 Heritage Bill 2023 (Bill No. 25 of 2023). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill, which aims to establish the recognition and management of places in Fiji having world heritage value based on Fiji's obligations under UNESCO.

The Committee read through the Bill and did its own deliberation of the Clauses in the Bill. The Committee called for submissions from the public and other interested stakeholders by placing advertisements through the local newspapers on 14 and 15 October 2023.

The Committee then conducted public consultations on the bill in several locations across Viti Levu, Levuka and Vanua Levu. These meetings aimed to gather opinions and feedback from local communities about the proposed bill. Communities had the opportunity to express their thoughts and share their concerns regarding the proposed Bill. All views expressed to the Committee were considered and every voice listened to.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except when it was developing and finalizing its observations and this Report.

### **1.3 Committee Remit**

The Standing Committee on Justice, Law, and Human Rights is established by Standing Order 9 of Parliament's Standing Orders with responsibility for areas including crime, civil rights, courts and their administration, the Constitution, policing and human rights.

Standing Order 110 requires the Committee to examine and scrutinize each Bill referred to it by Parliament, make amendments to Bills, and review any subordinate legislation presented in Parliament that falls under its purview.

## 2.0 HERITAGE BILL (BILL NO. 25) 2023.

### 2.1 Introduction

The Heritage Bill No. 25 of 2023 aims to recognize and manage places in Fiji with potential and actual world heritage values. It establishes the Fiji Heritage Council and the Fiji Register for heritage sites and provides for the management and operating trust funds for these places.

The Fiji Heritage Council is established to recognize and manage places in Fiji with potential and actual world heritage values. The council's role is to preserve Fiji's cultural diversity and unique heritage, ensuring that these valuable sites are protected and that Fiji meet its international obligations.

The Fiji Register serves as an official list of registration of any place in Fiji nominated to be a potential World Heritage place. The main purposes of the Fiji Register include:

- **Documentation:** Recording and documenting heritage sites to ensure their protection and management.
- **Recognition:** Acknowledging the importance of these sites and promoting their conservation.
- **Public Awareness:** Raising awareness among the public about the value and significance of these heritage sites.

The operational fund for the Heritage Bill No. 25 of 2023 is designed to support the day-to-day management and protection of heritage sites listed in the Fiji Register. This fund ensures that there are sufficient resources for the Fiji Heritage Council to carry out its responsibilities effectively, including conservation efforts, maintenance, and public awareness activities.

The Bill provides for the establishment of buffer zones surrounding a potential World Heritage place or World Heritage property which gives an added layer of protection. Establishing buffer zones is crucial for several reasons:

- **Protection:** Buffer zones provide an additional layer of protection to heritage sites by limiting potentially harmful activities around them.
- **Conservation:** They help maintain the integrity, authenticity, and sustainability of heritage sites by controlling development and land use in surrounding areas.
- **Management:** Buffer zones facilitate better management of heritage sites by clearly delineating areas where specific regulations apply.
- **Sustainability:** They ensure that the Outstanding Universal Value of the heritage site is preserved for future generations.

Buffer zones are essential for safeguarding the cultural and natural heritage of a place, ensuring it remains unspoiled and protected.



## **2.2 Objective of the Bill**

The Bill provides for matters that are necessary for the administration of the new legislation and its objectives are as follows;

- (a)* provide for the recognition and management of places having potential and actual world heritage values;
- (b)* establish the Council and provide for its functions and powers for safeguarding the integrity of places having potential and actual world heritage values;
- (c)* establish, monitor and manage the Fiji Register;
- (d)* provide for the management of places on the Fiji Register;
- (e)* provide for individual operating trust funds for places on the Fiji Register;
- (f)* implement the World Heritage Convention; and
- (g)* provide for other matters that are necessary for the administration of this Act.

## **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, by reading through it, Clause by Clause. The first draft of the Heritage Bill was divided into eleven (11) Parts with 98 sections. The purpose of the Bill was to control places of national significance and ensure that world heritage places in Fiji which are inscribed under the World Heritage List are administered in accordance with requirements of UNESCO. The Committee also noted that the buffer zones outlined are not intended to restrict the use of a place by its owner and occupier but only to protect the outstanding universal value of heritage places.

The Committee resolved that it was prudent to first hear the views of the public and the stakeholders on this important proposed legislation. This public consultation would allow the Committee to gauge the public's perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

## 3.2 Bill Summary

The Committee agreed that to provide an overview of the proposed law and this is provided below;

**Clause 1:** This clause provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

**Clause 2:** This clause provides the definitions of the terms used throughout the Bill.

**Clause 3:** This clause of the Bill provides that the objectives of the Bill are to provide for the recognition and management of places having potential and actual world heritage values, establish the Fiji Heritage Council (**‘Council’**), establish the Fiji Register, provide for the management and operating trust funds for places registered in the Fiji Register, implement Fiji’s obligations under the World Heritage Convention and provide for other matters that are necessary for the administration of the new legislation.

**Clause 4:** This clause stipulates that the new legislation will bind the State.

**Clause 5:** This clause provides that the department responsible for heritage (**‘Department’**) will administer the new legislation and perform all the functions assigned to it by or under the new legislation.

**Clause 6:** This clause provides for the establishment of the Council and the composition of the Council. The Council comprises 11 *ex-officio* members and 4 other members appointed by the Minister responsible for heritage (**‘Minister’**). The 4 other members appointed by the Minister may hold office for a term of 3 years and are eligible for reappointment. The Council may invite a person of expert knowledge to its meetings. Moreover, the Director responsible for heritage (**‘Director’**) is the secretary to the Council.

**Clause 7:** This clause provides for the principles that will guide the decisions and functions of the Council. The principles are based on Fiji’s obligations under the World Heritage Convention and the Operational Guidelines for the Implementation of the World Heritage Convention.

**Clause 8:** This clause outlines the functions of the Council. The Council is to advise the Minister on matters regarding the recognition and management of places in Fiji having potential and actual world heritage values and Fiji’s obligations under the World Heritage Convention. The Council may also, *inter alia*, develop policy direction to support Fiji’s obligations under the World Heritage Convention.

**Clause 9:** This clause outlines the procedures for meetings and the governance of the Council. The chairperson must convene all the meetings of the Council and in his or her absence, any other member presiding over the meeting. The Council must have a minimum of 4 meetings in a financial year and the quorum for a meeting is 8 members.

**Clause 10:** This clause provides for the disclosure of any direct or indirect interest by a member of the Council in relation to a matter which may be in conflict with his or her role as a member of the Council.

**Clause 11:** This clause prescribes the duties of the secretary to the Council. The Council may require the secretary to administer and facilitate the obligations of the Council under the Bill and to facilitate Fiji's obligations under the Bill.

**Clause 12:** This clause provides indemnity for any act done or omitted in good faith by any member of the Council, the Department or public officers employed by the Council or the Department.

**Clause 13:** This clause provides for the different sources of funds for the Council. Funds of the Council include money appropriated by Parliament, contributions and donations received by the Council and other money lawfully received by the Council.

**Clause 14:** This clause provides for the efficient and proper financial management of accounts of the Council and that the auditing of the statement of accounts be conducted by the Office of the Auditor-General. The certified statement of accounts must be submitted to the Minister and the Minister must present the same before Cabinet within 28 days of receiving the Office of the Auditor-General's report.

**Clause 15:** This clause provides that the Council is required to submit an annual report to the Minister and that on receipt of the annual report, the Minister must present the annual report to Cabinet.

**Clause 16:** This clause provides for the establishment of the Fiji Register of potential World Heritage places in Fiji ('**Register**'). The Register lists successful nominations of potential World Heritage places in Fiji that meet the criteria for nomination set by the Council. The Register must be available for public inspection during normal business hours.

**Clause 17:** This clause provides for the requirements and criteria set by the Council regarding any nomination by the public on whether a place can become a potential World Heritage place in Fiji. Once the Council is satisfied that the nomination by the public meets the criteria for nomination of a place as a potential World Heritage place, the place is entered in the Register and declared by notice in the Gazette as such. The declaration of a place as a potential World Heritage place does not affect the rights of the owner of the place.

**Clause 18:** This clause provides for the process for determining a nomination to the Register. The Council should ensure public submissions are called for during the process of nominating a potential World Heritage place.

**Clause 19:** This clause provides that the management of any potential World Heritage place must comply with the standard required by the Council and be undertaken by an approved management authority and according to its management plan.

**Clause 20:** This clause provides that the Council may request the Council of the National Trust of Fiji ('**National Trust**') to declare a potential World Heritage

place as a National Heritage Area pursuant to section 20 of the National Trust of Fiji Act 1970.

**Clause 21:** This clause highlights that the Board of Trustees of the Fiji Museum may declare a potential World Heritage place as a monument pursuant to section 6 of the Preservation of Objects of Archaeological and Paleontological Interest Act 1940.

**Clause 22:** This clause provides that the Council may request the director responsible for town and country planning to grade any building within a potential World Heritage place as part of the respective city or town planning scheme.

**Clause 23:** This clause of the Bill provides for the Council to be consulted on any application for development of a place listed on the Fiji Register and any person who undertakes development without the consideration of the Council's comments commits an offence. Any person who damages, destroys or changes by any means the potential World Heritage place commits an offence and is liable on conviction to specified penalties.

**Clauses 24 and 25:** This clause provide for the process of nominating a place or property to the Tentative List and the World Heritage List established by UNESCO under the World Heritage Convention. Upon recommendation of the Council, the Minister may propose to Cabinet to nominate a place or property to the Tentative List and the World Heritage List. The Council must also call for public submissions on the proposed nomination and if Cabinet agrees with the nomination, the Council must publish a notice to that effect in the Gazette and a newspaper circulating in Fiji.

**Clause 26:** This clause empowers the Minister to declare a potential World Heritage place as a World Heritage property, where the potential World Heritage place has been included in the World Heritage List.

**Clause 27:** This clause provides for the management of a World Heritage property. The management of any World Heritage property must be undertaken according to its management plan. The management of a World Heritage property may be delegated to the National Trust.

**Clause 28:** This clause provides that a person procuring or leasing a piece of land or property within a designated World Heritage property needs to respect the conditions set by UNESCO regarding the inscribed World Heritage property and the conditions set by the management plan for the World Heritage property.

**Clause 29:** This clause provides that before any development of a World Heritage property is to be conducted, there has to be written approval from the Council. Any person who fails to comply with this provision commits an offence and is liable on conviction to specified penalties.

**Clause 30:** This clause of the Bill provides that places declared as potential World Heritage places or World Heritage properties are to have their own operational trust funds to cater for the management of the potential World Heritage places or World Heritage properties.

**Clause 31:** This clause provides for the establishment of a buffer zone around or outside a potential World Heritage place or World Heritage property for the purpose of protecting the potential World Heritage place or World Heritage property from potential threats.

**Clause 32:** This clause provides the process for the establishment of a buffer zone. The Department may develop a proposal to establish a buffer zone and make recommendations to the Council provided that the Department has consulted the relevant stakeholders. The Council then reviews the recommendations for the establishment of a buffer zone made by the Department and submits the recommendations to the Minister for approval. Upon approval by the Minister, the Council must publish a map of the buffer zone areas in the Gazette.

**Clause 33:** This clause provides for the development of a buffer zone management plan for the purpose of the daily care of the protected site including its buffer zone. The buffer zone management plan must include *inter alia* guidelines and measures for the protection and proper use of land and natural resources within a buffer zone.

**Clause 34:** This clause of the Bill provides that any person who undertakes development within a buffer zone without proper consultation with the relevant authority commits an offence and is liable on conviction to specified penalties.

**Clause 35:** This clause empowers the Minister to make regulations to give effect to the new legislation. The Minister may by way of regulations, prescribe offences and penalties not exceeding \$100,000 or imprisonment for a term of 2 years, or both for individuals and a fine of \$600,000 for bodies corporate or unincorporate.

**Clause 36:** This clause provides that the new legislation prevails where there are inconsistencies with other written laws.

The Schedule to the Bill provides the universal outstanding values criteria for any property nominated to be listed on the World Heritage List.

### **3.3 In-depth Analysis of the Clauses of the Bill**

The Committee then had 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 to be further discussed and deliberated on with the representatives from the Ministry and the drafters. Some of the main issues noted from these discussions are as follows:

The Committee noted that the phrase “*outstanding universal value*” may have an imposing meaning which does not value and take into consideration the values and rights of the indigenous and local people.

The operative meaning of the word “*management*” as originally defined is narrow and inherent with similar deficiency as the original definition of “*heritage significance*” in that the “*retention and transmission of heritage of significance of*

*place*” will also be limited to a narration that is largely silent on indigenous Fijian cultural aspects.

It was noted that the original definition of “*nominated property*” is referenced to cultural or natural heritage area that are protected, but falls short of making the vital connection between the words “*cultural*” to “*indigenous*” body of culture.

*Importance of Protective Zones or Buffer Zones* – there were discussion that the Bill should specify the size or area of the buffer zones needed to protect and minimize destruction from possible nearby development. The protective layers will minimize the loss and damage of a designated site(s).

There was a concern with the size of the Council and particularly that it consisted of persons/officers that do not have intimate knowledge of the issues concerning communities that have places listed on the world heritage list. It was suggested having representatives from communities that have been listed in the heritage list will ensure their issues are actually brought before the Council and are heard and considered.

### **3.4 Submissions received via public consultation**

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

#### *Inclusion of Traditional leaders in the Council*

It was noted that Traditional leaders play an important role in representing their communities and can provide valuable insights of heritage sites that are intended for development or protection. It was suggested that traditional leaders be included in the management authority for the purpose of protecting these values and help in decision-making. This approach strengthens trust and cooperation between developers and the indigenous communities in preserving or developing places of heritage importance.

#### *Reclamation of Land*

It was noted that Levuka-vakaviti village faces significant development challenges due to its unique location. The landward village boundary consists of rocky mountains that are uninhabitable. This village sits adjacent to the Town boundary on one side that is the actual Heritage site. Levuka-Vakaviti will be subjected to regulations of the Town and Country Planning if it wishes to extend its development towards the town area. The Committee was informed that an extension of the village boundary could be done by land reclamation towards the sea, to accommodate the growing population of the community. Addressing these issues is crucial for the future well-being of Levuka and its community.

### *Development Funds*

It was noted that there is an existing lease arrangement between the National Trust of Fiji (NTF) and the Mataqali Landowners of Sovi Basin. It was further noted that the NTF also provides other grants such as village development fund whereby villages can propose to a maximum of \$10,000 per village. This grant has assisted the development of the community hall and fencing of dairy farms. It was suggested that the annual fee be slightly increased given that NTF has leased a large area for protection, and the village development funds be apportioned according to the acreage provided by each village to the Heritage site.

### *Relocation of activities within the Buffer Zones*

There were discussion on penalties imposed under Clause 34(1) and communities of Volivoli, Sigatoka suggested that dumping site be relocated given that it may be within/close to the buffer zone area.

Also, it was noted that there is an existing exploration company that has discovered minerals close to the Sigatoka Sand Dunes namely manganese and questions were raised on instances if the company will be issued with a license to mine close to/or withing the buffer zone.

### *Inclusion of local Communities in the Tourism sector*

There were concerns raised by the people of Lovoni village about their land being included in the buffer zones. It was suggested given that landowners have agreed to include their lands within the buffer zones, local communities should also have the chance to promote their traditional culture and arts in the tourism sector of Heritage. Currently, the Levuka Town Port is the only place where tourists can visit limiting their experiences to other historic and cultural significance. By allowing Lovoni village to showcase its culture, tourist would have more options and the village would benefit economically.

A copy of the oral submissions can be obtained from the online Appendices of the Report, which can be accessed via the Parliament website: [www.parliament.gov.fj](http://www.parliament.gov.fj)

## **3.5 SDGs Impact Analysis**

Consideration was placed on SDG 5 which focuses on gender equality and SDG 16 which promotes the rule of law at national and international levels and ensures equal justice to all<sup>1</sup>.

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<sup>1</sup> [THE 17 GOALS | Sustainable Development \(un.org\)](https://www.un.org/sustainabledevelopment/)

SDG 5.a - *Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.*

SDG 15.4 - *By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development.*

Following its review of the Bill, the Committee has fulfilled its obligation as prescribed under Section 110(2) of the Standing Orders of Parliament.

### **3.6 Outcome of Deliberation**

The pertinent issues identified during the review were discussed at length by the Members of the Committee and considered with the assistance of the drafting team, so as to ensure that all these relevant issues were appropriately addressed and that the objective of the Bill was preserved. The following key provisions were amended as follows.

#### **Proposed amendment – Bill Title**

The Committee noted that the ambiguity in the application of the term *heritage* as title for the Bill as Heritage is valued things that have historic and cultural significance and is inherited through/between generations. Heritage includes:

- (a) Tangible heritage
- (b) Intangible heritage
- (c) Intangible cultural heritage
- (d) Cultural heritage
- (e) Natural heritage
- (f) Moveable heritage
- (g) Immovable heritage
- (h) Underwater heritage

While this new bill uses the word “Heritage” which has many connotations, on the contrary focus of the content of the bill is on “tangible heritage” and the 1972 World heritage Convention. This covers a small segment of the totality of heritage. Precision lives no doubt with regard to what falls within the coverage of the law. The definition has to be concurrent with views of heritage while incorporating the historical context of its perceptions. Definitions of heritage in legal instruments has to be precise so as to avoid ambiguity. The committee suggest to have the title of the Bill amended to “*Fiji World Heritage Bill.*” For example: South Africa uses *World Heritage Convention Act (1999)*.

*The Committee recommends that the title “Heritage Bill” should read as*

*“Fiji World Heritage Bill”*



**Proposed amendment to the Short Title**

The Committee recommends that the title of the Bill be amended to read as follows;

“FOR AN ACT TO PROVIDE FOR THE RECOGNITION AND MANAGEMENT OF PLACES IN FIJI HAVING **OUTSTANDING UNIVERSAL VALUE** BASED ON FIJI’S OBLIGATIONS UNDER THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE AND TO GIVE EFFECT TO THE OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION, AND RELATED MATTERS”

**Proposed amendment to the “1972 World Heritage Convention”**

The Committee suggested that the reference of the Bill should be precise to its line Convention. On 21 November 1990, Fiji became a party to the Convention Concerning the Protection of the World Cultural and National Heritage, which was adopted by the United Nations Educational, Scientific and Cultural Organization (‘UNESCO’) General Conference in 1972 (‘**World Heritage Convention**’). Fiji, as a State party to the World Heritage Convention, is required under the World Heritage Convention to adopt legislative and administrative provisions to give effect to the World Heritage Convention. Therefore, the Heritage Bill 2023 (‘**Bill**’) provides for the domestic application of the World Heritage Convention in Fiji.

*The Committee recommends the inclusion of the year 1972 in the term “Action Plan”, **be read as** “means Fijis Action Plan for the implementation of the **1972** World Heritage Convention as prepared by the Council”.*

**Proposed amendment – inclusion of “Fiji World Heritage Council”**

The Committee suggested that the Council to make reference precisely to the 1972 World Heritage Convention since this Bill is focused entirely to the work related to the said Convention Aligning reference would avoid ambiguity in interpretation associated with existing Councils within the culture sector and other national committees that looks into “heritage” at the national level.

*The Committee therefore recommends that the interpretation of the “Council” means the council established under section 6 **be read as** “Council” means the **Fiji World Heritage Council** established under section 6.*

**Proposed amendment – inclusion of “Tentative list and World Heritage property”**

The Committee suggested that the Fiji Register should be inclusive of Fiji sites or places that are already included in the UNESCO Tentative List, and UNESCO World Heritage Property List. Presently, these sites are under UNESCO international listing or register however once the Act comes into force, they need to be included in the Fiji Register.

*The Committee therefore recommends that “Fiji Register” means the register of potential World Heritage places established under section 16 **be read as “Fiji Register” means the register of potential World Heritage places, established under section 16 and include tentative list and World Heritage property in Fiji.***

**Proposed amendment – Composition of Heritage Council Members**

**Clause 6(2):** The committee suggests reducing the number of council members from twelve (12) to eight (8). This change aims to ensure that meetings run smoothly and efficiently by the council. The committee believes that the recommended members in the revised council make up recognizes the key institutions who are core stakeholders to deliberate on matters relating to the world heritage in Fiji. Overall, this adjustment is intended to improve the effectiveness of the council's work. Thus, other members that were not suggestively included can be co-opted by the Minister as provided in Clause 6(2) as and when the need arises. The Committee therefore recommends composition as follows;

1. Permanent Secretary responsible for Heritage as Chairperson
2. Director National Trust of Fiji
3. Director Fiji Museum
4. Director Environment
5. Director Lands & Mineral Resources
6. Director iTaukei Affairs
7. Director Town and Country Planning
8. Secretary General for Fiji NATCOM

**Proposed amendment – deletion of “Tentative List and World Heritage Listing”**

**Clause 8(1)(d):** The Committee suggest that the revised interpretation or definition of the “Fiji Register” is inclusive of both the tentative list and world heritage list.

*The Committee recommends that the words “tentative list and World Heritage listing” be omitted.*

**Proposed amendment – inclusion of “Fiji World Heritage Council”**

**Clause 11(c)(1) and (d):** The Committee suggest that the revised interpretation or definition of the “Fiji Register” is inclusive of both the tentative list and world heritage list. The Committee recommends that the words “tentative list and World Heritage listing” be omitted and be read as:

*“assist in the preparation of nomination of places to the Fiji Register”*

**Proposed amendment – concise provision**

**Clause 15(2)(c):** The Committee suggest that the content of the report should also include status and progress of activities of Fiji sites within the tentative list and Fiji’s World Heritage Property. The Committee therefore recommends that sub-clause 15(2) (c) be read as follows;

*“Entries and status of places on the Fiji Register”.*

**Proposed amendment – new insertion of sub-clauses**

**Clause 16(1):** The Committee suggested that the Fiji register should be inclusive of the tentative list and world heritage list for Fiji and recommends the inclusion of new sub-clause (a) to (c) to be read as follow;

*(a) to be a potential World Heritage Place;  
(b) to be on Tentative List; and  
(c) to be on the World Heritage List”*

**Proposed amendment – inclusion of “World Heritage Place”**

**Clause 16(2):** Committee suggested that Potential World Heritage place are “National” sites or places. For Fiji sites to be listed or inscribed under the Tentative List or World Heritage list it must first meet the requirements or conditions of Potential World Heritage place. This will become Fiji’s formal designation level and process of Heritage sites and places. The Committee therefore recommends that Clause 16(2) be amended to read as follows;

*“A place which is being considered for nomination to the Tentative List or the World Heritage List must first be nominated to the Fiji Register as a potential World Heritage Place”.*

**Proposed amendment – inclusion of new sub-clause”**

**Clause 16 (3):** The Committee suggest that the new sub clause allows for flexibility in the register to include new requirements or conditions in -line with the 1972 Conventions and World Heritage needs in Fiji that may arise over time. The Committee therefore recommends the insertion of new sub-clause 3(f) be read as follows;

*“Any other condition approved by the Council”.*

**Proposed amendment – re-numbering of provision**

**Clause 16(5):** The Committee recommends that the re-numbering of the clause for consistency and flow of idea for part 4 of the Bill.

**Proposed amendment – transfer of provisions**

**Clause 17(1)-(g) and (2):** The Committee suggest Clause 17 (1) and (2) refers to the Nomination Process relating to Potential World Heritage places. This differs from the registration process in the Fiji Register. Hence, recommends move to Part 5 so that it is consistent with the narration in that section.

**Proposed amendment – deletion of “Council”**

**Clause 20:** The Committee suggest that the repetitive use of the word “Council” in one sentence can be confusing and given that the Council of the National Trust per say is not included in the Interpretation section of the Bill it is imperative, for consistency, to make reference to the National Trust as a body entity mandated to do this work. The Committee therefore recommends that clause 20 be amended to read as follows;

*“The Council may request the ~~Council~~ of the National Trust to declare a potential World Heritage place as a National Heritage Area pursuant to section 20 of the National Trust of Fiji Act 1970 if that place has not been previously declared as such”*

**Proposed amendment – inclusion of “Director”**

**Clause 23(2):** The Committee suggest that the Director must be also held responsible for any issuance of notification without the consent of the council. The Committee therefore recommends that the amended clause be read as follows;

*“The Council may include conditions that the applicant must comply with which the director responsible for town and country planning must then notify the applicant of in writing”.*

**Proposed amendment – inclusion of “complying”**

**Clause 23(3):** The committee suggests using the word “comply” instead of “consider”. This change emphasizes the importance of following rules and guidelines. When people comply they take action to meet specific standards or requirements. In contrast “consider” implies thinking about something without necessarily taking action. With the suggested amendment, the committee aims to promote a culture of accountability and responsibility, hence avoid development that could damage a potential world heritage site. The Committee therefore recommends that the clause be amended to read as follows;

*“Any person who undertakes any development under this section without **complying** the consideration of **with** the Council’s comments, if any, commits an offence and is liable on conviction to”*

**Proposed amendment – Increase of imprisonment term**

**Clause 23(a) and Clause 24(a):** The Committee suggest that these are sites of national value that have the potential to become world heritage property thus perpetrators must be deterred through imposition of increased imprisonment term. The Committee therefore recommends increasing imprisonment term from 2 years to **4 years**.

**Proposed amendment – re-structure of provision**

**Clause 26(1):** The Committee noted that a site recommended to UNESCO for inclusion in the tentative site list must also be declared by the Minister before it is nominated. The Committee therefore recommends that clause 26(1) be amended to read as follows;

*“The Minister **must** by notice in the Gazette, **declare a potential world heritage place**, for such time as the property is included in the World Heritage List”.*

**Proposed amendment – increase of penalties**

**Clause 29(2)and(3):** The heritage value and integrity of a site listed as a World Heritage Property is immeasurable and priceless given that it is the ONLY site found in the entire world. Its outstanding universal value characterizes its importance. Hence the imposition of higher fine for individuals. Once lost, the treasure cannot be retrieved.

*The Committee therefore recommends that fines imposed for individual be increased from \$100,000 to **\$150,000** and imprisonment term from 2 years to **7 years**; Fines imposed for body corporate be increased from \$600,000 to **\$800,000** and a continuing offence increased from \$6,000 to **\$7,000**.*

**Proposed amendment – Re-naming of Heading**

**Part 7:** The revision covers the intent of this particular PART and Clause which addressed the need to set up funding structure to support the operational and management of the listed places/ sites and spaces.

*The Committee therefore recommends that the heading for Part 7 to read as “**RECOGNITION AND MANAGEMENT OF HERITAGE PLACES**”.*

**Proposed amendment – inclusion of “Tentative List and World Heritage Property**

**Clause 31(1)and(2):** The Committee suggest that Buffer zones apply to potential world heritage sites, tentative world heritage sites and world heritage property alike. The Committee therefore recommends that **clause 31(1) and (2)** be amended to read as:

*“A buffer zone consists of areas established to minimise, eliminate and prevent actual and potential adverse impacts to any potential World Heritage place, **Tentative List and as a World Heritage property**” and **Clause 31(2)** be amended to read as “A buffer zone must be established outside any potential World Heritage place, **Tentative List and as a World Heritage property**.”*

## **4.0 RECOMMENDATION**

The committee strongly recommends that the members of the August House takes notes of the contents of the report. This report outlines important details regarding the proposed Heritage Bill and by adopting this legislation, the members can help protect and promote the cultural and historical heritage of our society. It is essential for the members to understand the significance of this Bill and its potential impact. Therefore, the Committee urges all members to support the adoption of the **Heritage Bill** (Bill No. 25 of 2023) for the benefit of future generations.

## **5.0 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 initial draft of the Bill.

At the conclusion of the review, the Committee believes the Bill in its current amendments is sufficient in fully realising its objectives.

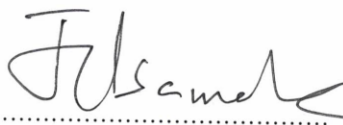
The Committee through this report commends the **Heritage Bill (Bill No. 25 of 2023)** to the Parliament.

**MEMBERS SIGNATURE**

  
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HON. RATU RAKUITA VAKALALABURE

  
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HON. ILIESA VANAWALU

  
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HON. LENORA QEREQERETABUA

  
.....  
HON. JONE USAMATE

  
.....  
HON. MOSESE BULITAVU

Date: 02/12/24 .....