

BILL NO. 35 OF 2025

A BILL

FOR AN ACT TO AMEND THE ADOPTION ACT 2020

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.**—(1) This Act may be cited as the Adoption (Amendment) Act 2025.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Adoption Act 2020 is referred to as the “Principal Act”.

Section 11 amended

- 2.** Section 11(1)(d) of the Principal Act is amended after “guardian”, by inserting “under section 22A”.

Section 22A inserted

3. The Principal Act is amended after section 22 by inserting the following new section—

“Appointment of guardian

22A.—(1) Notwithstanding any matter prescribed under the Family Law Act 2003, the court may, at any stage of an adoption process, appoint a guardian for a child where it is satisfied that—

- (a) the birth parents are deceased, absent, incapacitated or otherwise unable to exercise parental responsibility;
 - (b) the birth parents have voluntarily relinquished the care and custody of the child to another person who is willing and suitable to act as a guardian; or
 - (c) the appointment is necessary to safeguard the best interests of the child.
- (2) The guardian must—
- (a) perform any parental right and responsibility conferred by the court;
 - (b) represent and promote the best interests of the child;
 - (c) ensure that the child’s views are placed before the court in accordance with the child’s age and maturity; and
 - (d) perform any other responsibility directed by the court.”.

Section 23 amended

4. Section 23(1) of the Principal Act is amended by deleting “prescribed by regulations” and substituting “as prescribed”.

Section 58A inserted

5. The Principal Act is amended after section 58 by inserting the following new section—

“Rules of court

58A. The Chief Justice may make rules in regard to any matter to be prescribed under this Act and directing the manner in which applications to the court are to be made and dealing generally with all matters of procedure and incidental matters arising out of this Act and for carrying this Act into effect.”.

Section 59A inserted

6. The Principal Act is amended after section 59 by inserting the following new section—

“Appeals

59A.—(1) Any person who is aggrieved by a decision of the Director, or a decision of the Permanent Secretary under Part 4 may, within 21 working days of being notified of the decision, lodge a written appeal with the Minister stating clearly and concisely the grounds of appeal.

(2) The Minister must, within 21 working days of receipt of the appeal under subsection (1)—

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

November 2025

ADOPTION (AMENDMENT) BILL 2025

EXPLANATORY NOTE

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

1.0 BACKGROUND

1.1 The Adoption (Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Adoption Act 2020 (**‘Act’**) to provide for clear and robust operationalisation.

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

2.2 Clause 2 of the Bill amends section 11(1)(d) of the Act by clarifying that a reference to a “guardian” includes a guardian appointed under the new section 22A, which ensures consistency in the appointment of a “guardian”.

2.3 Clause 3 of the Bill inserts a new section 22A to empower the court, at any stage of an adoption process, to appoint a guardian for a child where it is in the best interests of the child. The provision specifies the circumstances in which a guardian may be appointed, including when the birth parents are unable to care for the child or have voluntarily relinquished custody. It also sets out the duties of the guardian, including representing the best interests and views of the child and performing responsibilities as directed by the court.

2.4 Clause 4 of the Bill amends section 23(1) of the Act by deleting “prescribed by regulations” and substituting “as prescribed”.

2.5 Clause 5 of the Bill inserts a new section 58A to empower the Chief Justice to make rules of court to regulate applications, court procedures, and any incidental or procedural matters arising under the Act. The amendment fills a legislative gap by providing the Judiciary with authority to prescribe procedural rules of the court to ensure consistent and efficient adoption process.

2.6 Clause 6 of the Bill inserts a new section 59A establishing an appeal mechanism for persons aggrieved by a decision of the Director, or the Permanent Secretary under Part 4 of the Act.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for women, children and social protection.

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