

FORESTRY BILL 2025
(BILL NO. 36 OF 2025)

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BILL NO. 36 OF 2025**A BILL**

FOR AN ACT TO PROVIDE FOR THE PLANNED MANAGEMENT AND CONSERVATION OF FIJI'S FORESTS AND TO FOSTER THE DEVELOPMENT OF FIJI'S FOREST INDUSTRY IN ALIGNMENT WITH NATIONAL POLICY, RESPECT FOR TRADITIONAL LANDOWNER RIGHTS, AND THE PRESERVATION OF ECOLOGICAL INTEGRITY THROUGH SUSTAINABLE RESOURCE MANAGEMENT AND COMPLIANCE WITH ENVIRONMENTAL LAWS AND INTERNATIONAL BEST PRACTICE AND OTHER RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY*Short title and commencement*

- 1.—**(1) This Act may be cited as the Forestry Act 2025.
- (2) This Act comes into force on the date or dates appointed by the Minister by notice in the Gazette.

*Interpretation***2.** For the purposes of this Act, unless the context otherwise requires—

“afforestation” means the direct human-induced conversion of land that has not been forested for a period of at least 30 years into forest, through planting, seeding or the human-induced promotion of natural seed sources;

“alienated land” means—

- (a) land, the ownership of which is held by a person other than the State; or
- (b) State or iTaukei land which has been leased to a person other than the State;

“approved international emissions reduction standard” has the same meaning in section 2 of the Climate Change Act 2021;

“code of conduct” means a code of conduct for Forest Practices Officers prepared by the Conservator under section 61;

“code of forest practices” means the code issued by the Minister in accordance with this Act;

“conservation” means the planned management, including sustainable use, of a natural resource to ensure the long-term maintenance of important natural and cultural values for present and future generations, and to prevent over-exploitation, destruction, or neglect;

“Conservator” means the Conservator of Forests appointed in accordance with section 7;

“Council” means the Forestry Advisory Council established under section 12;

“damage” means the loss or detriment caused by hurt or injury affecting estate, condition, or circumstances, or injury, harm, especially physical injury to a thing so as to impair its value or usefulness;

“deforestation” means the direct human-induced conversion of forested land to non-forested land;

“degradation” means the reduction in the capacity of a forest to provide goods and ecosystem services, which includes, but is not limited to, deterioration in forest structure, function, species composition, or productivity, without a full conversion to non-forest land use;

“Department” means all sections, units, and personnel included under the Department of Forestry and headed by the Conservator;

“ecosystem services” means all benefits that humans derive from forest, including—

- (a) food, timber and non-timber products;

(b) carbon sequestration, climate regulation, water purification and erosion control;

(c) nutrient cycling, soil formation and biodiversity conservation; and

(d) recreation, spiritual, social and cultural value, and aesthetic enjoyment;

“emissions” has the same meaning in section 2 of the Climate Change Act 2021;

“emissions reduction” has the same meaning in section 2 of the Climate Change Act 2021;

“emissions reduction project” has the same meaning in section 2 of the Climate Change Act 2021;

“emissions reduction unit” has the same meaning in section 2 of the Climate Change Act 2021;

“fire hazard area” means an area especially prone to fire due to its type and status of vegetation;

“fire licence” means a licence issued under section 50(3);

“fixed penalty notice” means a notice issued under section 64;

“forest” includes—

(a) land spanning more than 0.5 hectares with trees higher than 5 metres and a tree canopy cover of more than 10%, or trees able to reach these thresholds *in situ*;

(b) areas with bamboo and forest palms provided that the height and tree canopy cover criteria in paragraph (a) are met;

(c) forest roads, fire breaks and other small open areas;

(d) areas defined by both the presence of trees and the absence of other predominant land uses;

(e) mangrove forest; or

(f) area that meets any one of the above definitions of forest at the time this Act enters into force and were subsequently cut down, destroyed, degraded, or converted without the required authorisation, or harmed or lost due to a natural disaster;

“Forestry Officer” means any officer in civil service appointed to serve in the Department as the Deputy Conservator, Principal Forestry Officer, Senior Forestry Officer, Forestry Officer, Forester or Forest Guard;

“forest owner” means the title holder of the land on which the forest grows;

“forest plantations” means forest established by planting or seeding in the process of afforestation or reforestation which are either of introduced species or intensively managed stands of indigenous species;

“forest practices” means—

- (a) the processes involved in establishing forests, growing or harvesting timber, or clearing trees; and
- (b) works, including the construction of roads, the development and operation of quarries and the processing of timber that is connected with establishing forests, growing or harvesting timber or clearing trees;

“Forest Practices Officer” means a suitably qualified person with at least 5 years of relevant experience in forest planning, operations or timber processing, who is appointed by the Conservator;

“forest practices plan” means a written document, certified by the Conservator of Forests under section 23, detailing how forest practices will be conducted in a specific area to meet the requirements under this Act;

“forest products” includes timber and non-timber forest products or by-products harvested from the forest for either commercial or subsistence purposes;

“forest reserve” means a forest area declared by the Minister in accordance with section 19 as a forest reserve for the protection of forest biodiversity, including the conservation of forest genetic resources, or the national interests;

“forest sector” comprises all actors involved in and all activities undertaken on forests and forest products;

“forest user” means a person or legal entity making use of timber or non-timber forest products;

“forestry committees or licensing committees” means the bodies appointed under section 10;

“indigenous species” means any species that originated naturally in Fiji;

“invasive species” means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health and biodiversity;

“iTaukei customary rights” means rights, which are acquired by custom by iTaukei, being rights of individuals, independent of their place of residence;

“iTaukei land” has the meaning in section 2 of the iTaukei Lands Act 1905;

“iTaukei Land Trust Board” means the iTaukei Land Trust Board established under section 3 of the iTaukei Land Trust Act 1940;

“iTaukei owners” has the same meaning in section 2 of the iTaukei Land Trust Act 1940;

“landowner” includes —

- (a) the Government for State land;
- (b) the owner or titleholder of freehold land; or
- (c) iTaukei land owners;

“licence” means a licence issued under this Act;

“licensee” means a person or business that holds an approved licence under this Act;

“licensing officer” means an officer authorised to issue a licence under this Act;

“livestock” includes horses, mules, cattle, sheep, pigs, goats and poultry;

“mangrove forest” means a forest type predominantly made up of tree and shrub species that grow in saline and tidal tropical and subtropical coastal habitats;

“Minister” means the Minister responsible for forestry;

“Ministry” means the Ministry responsible for forestry;

“multiple use forests” means forests to be maintained under permanent forest cover for the production of wood and non-timber forest products, as well as the sustainable provision of other ecosystem services, including climate change adaptation;

“national forest resources assessment” means an assessment of forest resources conducted under section 21;

“natural heritage” has the same meaning in section 2 of the Fiji World Heritage Act 2024;

“native forest” means a forest composed of indigenous trees and not classified as forest plantation;

“nature reserve” means forest areas designated by the Minister, which possess outstanding or representative ecosystems that must be managed for the exclusive purpose of permanent conservation of their environment, including soil, water, internal climate, flora, fauna, fungi, the genetic diversity of these living organisms and the interactions among all these components;

“non-timber forest products” means all forest products except timber, including wildlife, fruits, nuts, seeds, leaves, roots, bark, flowers, herbs, spices, fibres, resins, latexes, oil, tar, honey, bees wax, all types of fungi, litter, humus, peat, minerals, stones and clay;

“Officer” means any Forestry Officer, Police Officer, or Biosecurity Officer;

“Permanent Secretary” means the Permanent Secretary responsible for forest;

“pests” includes organisms—

- (a) that are undesirable or detrimental to the interests of humans; and
- (b) capable of causing injury or damage to the forest ecosystem, its components, including litter, soil, water, animals, plants, the forest internal climate or timber or non-timber forest products;

“protect” means to restrict, exclude or apply management actions to conserve important natural and cultural values, including the maintenance and enhancement of biological diversity, ecological health, water quality, soil conservation, cultural heritage and landscape aesthetics;

“protected areas” means any defined space where the primary management objective is to protect natural and cultural values whether by community declaration or legal instrument and may include areas that are subject to a conservation lease issued under the iTaukei Lands Trust Act 1940;

“protected forests” means protected areas which are maintained under permanent forest cover;

“REDD+” has the same meaning under the Climate Change Act 2021;

“reforestation” is the natural or intentional restocking of existing forests and woodlands that have been depleted, usually through deforestation, but also after clearcutting, other human activities or natural disasters;

“restoration” means the process of assisting the recovery of a degraded, damaged, or destroyed forest with the aim of re-establishing its ecological integrity, biodiversity, and capacity to provide ecosystem services and support sustainable livelihoods;

“royalty” means a payment reserved by the grantor of a lease or similar rights and payable proportionately to the use made of the right by the grantor;

“sandalwood” means any timber of the genus *Santalum*;

“species” means any species or subspecies whether or not geographically separate population of the species or subspecies;

“stakeholder” means a person, group or organisation that has direct or indirect interest in an organisation or activity whether from Government, civil society or the private sector;

“State land” has the same meaning under section 2 of the State Lands Act 1945;

“subsistence use” means the non-commercial harvesting, cutting, taking, or collection of forest produce, including timber, wood, and non-timber forest products, for the personal, household or local community consumption, building, or other daily sustenance needs of a person, where the use must be in accordance with the customary rights, and does not extend to the sale, exchange, or bartering of any goods or products for commercial gain, whether within Fiji or for export;

“sustainable forest management” or “sustainable management of forests” means a concept which aims to maintain and enhance the economic, social and environmental values of all types of forests and their ecosystem services for the benefit of present and future generations;

“timber” means any wood at any stage after it has been cut, or otherwise removed, or has fallen from a tree, and is utilised or processed into products such as sawn timber, veneer, poles, posts, fuel wood, charcoal, woodchips, wood pulp and small timber items such as carvings;

“tree” means any woody plant with a height or potential height of 5 metres or more, whether or not it is living, dead, standing or fallen, that is—

(a) a species native to Fiji; or

(b) a species introduced into Fiji and used for the harvesting of timber;

“trees outside of forests” means all trees and shrubs found outside of defined forest areas, including those in agricultural lands, urban areas, and along roads;

“Tribunal” means the Forest Practices Tribunal established under section 74;

“un-alienated land” means land not under any formal leasing or customary arrangement;

“wood” means the hard, fibrous substance that makes up the stems, branches and roots of a tree and includes coconut trees and bamboo; and

“wood processing” means the conversion of wood or timber into timber products, including—

(a) logs for export;

(b) fuel wood;

(c) poles, piles or posts;

(d) sawn, sliced or peeled timber;

(e) wood chips or wood pulp;

(f) wood shavings;

(g) timber that is treated with preservative or other chemicals;

- (h) wood based biochemical; and
- (i) engineered timber products.

Application

3. This Act binds the State.

Objectives

4. The objectives of this Act are to provide a legal framework that promotes continuous improvement towards the achievement of—

- (a) sustainable and planned forest management and utilisation through an ecosystem-based approach, including ensuring the long-term health and productivity of forests which balances economic, social, and environmental considerations;
- (b) the conservation of Fiji's native forest ecosystems, with emphasis on biodiversity, soils and water values, including the long-term maintenance of genetic resources and evolutionary potential;
- (c) equitable distribution of social and economic benefits from sustainable forestry to all Fijians, involving fair access to forest resources, benefit-sharing mechanisms, and recognition of traditional knowledge;
- (d) integrated, transparent and efficient Government forest management, in close collaboration with traditional leadership, promoting interagency coordination, streamlined forestry approval processes, and enforcement mechanisms;
- (e) climate change mitigation and adaptation, recognising the role of forests in carbon sequestration, reducing deforestation and forest degradation, and enhancing forest resilience to climate impacts;
- (f) sustainable promotion of ecosystem services, valuing and protecting the diverse services that forests provide;
- (g) the enhancement of community participation and rights, ensuring the involvement of local communities, iTaukei owners, and other stakeholders in forest management decisions, and respecting their rights;
- (h) the promotion of forest restoration and reforestation, with initiatives that support the recovery of degraded forest land and the increase of forested areas;
- (i) the establishment and management of trees outside of forests, including in agricultural and urban areas to provide environmental, economic, and social benefits;
- (j) ensuring legal timber trade, and preventing illegal logging, with actions to support the trade of legally harvested timber, and to prevent the trade of illegally logged timber;

- (k) encouraging and facilitating the use and advancement of the best scientific knowledge, technological practices, and approaches in decision-making, including administrative and judicial procedures, to support the protection, conservation, restoration, and ecologically sustainable management of forest and use of forests;
- (l) the promotion of research and education, supporting the growth of knowledge, and the education of the populace on sustainable forest management, and the importance of forests;
- (m) advancing a sustainable forest-based bioeconomy while ensuring environmental sustainability and fostering economic diversification and job creation;
- (n) a high-value forest industry, by facilitating value added processing, enhancing product quality, promoting certification and sustainable branding, and expanding access to international markets for legally and sustainably sourced forest products;
- (o) the development of essential infrastructure and institutional capacity necessary for the growth of a competitive forest sector, including investment in transportation, processing, research and development, training and technological advancement;
- (p) the formulation, coordination, and implementation of integrated policies, strategies, and action plans that provide a clear framework for forest sector development, aligned with national priorities; and
- (q) the establishment and support of market-based instruments that encourage investment in sustainable forest enterprises, innovation, and compliance with international standards.

Principles

5. This Act must be implemented in accordance with the following principles—

- (a) inclusive participation, including active multi-stakeholder engagement in forest management decisions and recognition and respect for iTaukei owners' rights to traditional lands and resources;
- (b) transparent accountability, including public access to forest-related information and data, clearly defined roles and responsibilities for all actors, established mechanisms for monitoring, evaluating and regular public reporting of standards achieved with respect to management practices;
- (c) legal certainty, including the development of clear and enforceable legal frameworks, consistent and equitable application of forest laws, and provision of accessible justice for dispute resolution;

- (d) sustainable management of forest, including the adoption of a long-term, holistic approach to forest management, implementation of ecosystem-based management strategies, and application of the precautionary principle to safeguard ecological integrity;
- (e) effective governance, including the promotion of interagency coordination and stakeholder collaboration, implementation of adaptive management strategies based on monitoring, and investment in capacity building for forest management professionals; and
- (f) equitable benefit sharing, including ensuring fair and equitable distribution of forest resource benefits, addressing social inequalities related to access and use of forest resources, and consideration of intergenerational equity in resource utilisation.

General obligations

6.—(1) A person—

- (a) has a duty of care to—
 - (i) prevent harm to forests, including harm caused by third parties;
 - (ii) sustainably manage the forest for present and future generations; and
 - (iii) contribute to the conservation of natural and cultural values; and
- (b) is responsible for pursuing the restoration of degraded forests under their control to a healthy ecological state and, where appropriate, promoting reforestation.

(2) The Department must establish and maintain effective and transparent forest governance and take all necessary measures to—

- (a) ensure compliance with forest laws and prevent illegal deforestation and degradation;
- (b) respect the rights and knowledge of indigenous peoples and local communities;
- (c) enable full public participation and transparency in forest-related decisions; and
- (d) prevent deforestation displacement, leakage, and mitigate risks of reversals or rebound effects.

(3) Any person engaged in the trade of timber, wood, or non-timber forest products must take reasonable measures to ensure the legality of his or her operation and to prevent the trade activities from causing or contributing to deforestation or forest degradation.

PART 2—GOVERNANCE

Conservator of Forests

7.—(1) The Permanent Secretary may, with the approval of the Minister, appoint a Conservator to administer the Department and the forest sector.

- (2) A person appointed as Conservator is required to have—
- (a) extensive expertise in forestry and forest operations;
 - (b) knowledge of the conservation and sustainable management of forests;
 - (c) management skills; and
 - (d) a degree in forestry, forest management, forest sciences, or equivalent qualification.
- (3) The functions of the Conservator include the authority to—
- (a) direct the Department;
 - (b) enforce the provisions of this Act and its regulations;
 - (c) periodically review forestry regulations, fees, levies, and services;
 - (d) develop, coordinate and facilitate the implementation of policy and strategies through a consultative approach with forest owners, the forest industry and other stakeholders;
 - (e) advise Government on forest-related matters under international agreements and conventions, in close collaboration with relevant Government agencies;
 - (f) ensure accountability to and coordinate with the Permanent Secretary regarding staff employment under the Civil Service Act 1999 and prevailing employment laws;
 - (g) prepare a code of forest practices and make recommendations to the Minister with respect to the issuance and amendment of the code of forest practices;
 - (h) issue and maintain a code of conduct;
 - (i) oversee standards for forest practices plans;
 - (j) appoint Forest Practices Officers;
 - (k) oversee the training of Forest Practices Officers;
 - (l) make determinations with respect to prescribed fines for offences under this Act;
 - (m) provide an annual report to the Minister on the operation of this Act;
 - (n) supervise, advise and liaise with the Deputy Conservator and Principal Officers;
 - (o) promote negotiation on external financial and technical assistance;
 - (p) approve forestry programmes and projects;
 - (q) provide advice and determinations, as appropriate, as required under the Climate Change Act 2021 or any other relevant law;

- (r) exercise such other functions and authorities as may be prescribed and directed by the Minister; and
- (s) direct the Department to undertake annual monitoring and reporting on compliance and standards being achieved with respect to activities under this Act.

(4) The Conservator must advise the Permanent Secretary and the Minister, as necessary, on issues pertaining to forest policy and the administration and enforcement of this Act.

Department of Forestry

8. The Department, under the direction of the Conservator and in accordance with the objectives and principles of this Act, is required to perform duties which include the following—

- (a) plan, monitor and control—
 - (i) the sustainable management of forests, conservation and if necessary, restoration of all forest resources in all types of forests for the provision of timber and non-timber products and ecosystem services; and
 - (ii) the conservation of protected areas in collaboration with the Department of Environment, the Ministry responsible for lands, the Ministry responsible for iTaukei affairs and the iTaukei Land Trust Board;
- (b) carry out the national forest resources assessment, including *inter alia* genetic resources, ecosystem services and forest health;
- (c) collect information about forest resources and make these publicly available, free of charge, in a prompt and transparent manner;
- (d) ensure that forest-related laws and guidelines reflect sustainable forest management practices, and benefit sharing and that they are developed in a multi stakeholder approach;
- (e) certify forest practices plans in all forest types, both natural and planted, and monitor their proper implementation in accordance with delegations issued by the Conservator;
- (f) identify and promote reforestation and afforestation on suitable sites and rehabilitation of degraded forest areas;
- (g) promote and provide technical advice to and for community forestry programmes and programmes for trees outside of forests, including agro-forestry and urban tree schemes;

- (h) develop and implement research, including genetic research, management, conservation and restoration, and benefit sharing programmes for forest resources and natural and cultural values, and traditional knowledge including biodiversity, soils, water, geodiversity, visual landscape, historic and traditional sites, in collaboration with other agencies;
- (i) promote value-added processing of forest products, including genetic resources;
- (j) take appropriate measures to investigate, prevent, and suppress forest destruction, forest degradation, forest fires, forest clearings and bio-piracy;
- (k) promote public education programmes and foster training of forest owners on sustainable forest management; and
- (l) promote international cooperation to strengthen the capacity to protect and develop forest resources and research.

Delegation by the Conservator

9.—(1) Subject to subsection (2), the Conservator may in writing, delegate any of his or her functions or powers other than the power to delegate, and may, in particular delegate to a Forest Practices Officer the power to certify any plan and issue any notice under Part 4 and Part 5.

(2) A delegation under subsection (1) may be unconditional or, if the instrument of delegation so provides, conditional.

Forestry committees or licensing committees

10. For the purposes of this Act, the Conservator may establish committees, including a forestry committee or licensing committee, to deal with matters relating to—

- (a) forests;
- (b) the processing of forest products;
- (c) applications made under this Act; and
- (d) any other forest-related matter

Functions of the forestry committees or licensing committees

11.—(1) Forestry committees or licensing committees are established to advise the Conservator on a particular matter or matters for which the committee is established.

(2) The Conservator must appoint a member to a committee established under section 10 on the basis of the member's demonstrated expertise in the matter for which the committee is established.

Forestry Advisory Council

12.—(1) This section establishes the Forestry Advisory Council to promote stakeholder engagement in the operation of this Act, consistent with the functions outlined in this Part.

(2) The Council is appointed by the Minister and must include the following members—

- (a) a chairperson, appointed by the Minister from among the members;

- (b) the Chief Executive Officer of the iTaukei Land Trust Board or a senior representative from the iTaukei Land Trust Board;
- (c) the Director of Town and Country Planning or a senior representative from the Ministry responsible for town and country planning;
- (d) the Director of Lands or a senior representative from the Ministry responsible for lands;
- (e) the Director of Environment or a senior representative from the Ministry responsible for environment;
- (f) the Director of Agriculture or a senior representative from the Ministry responsible for agriculture;
- (g) a senior officer of a body representing the forest harvesting and processing sector; and
- (h) a person who is not a public officer and who represents one of the following sectors—
 - (i) landowners;
 - (ii) forest owners;
 - (iii) forest users;
 - (iv) academia;
 - (v) forestry association; or
 - (vi) civil society.

(3) The Permanent Secretary must ensure that an officer of the Department attends the meetings of the Council and provide secretarial support.

(4) A member of the Council, other than a member holding a public office, is entitled to such allowances and expenses as the Minister may determine from time to time.

Functions and meetings of the Council

13.—(1) The functions of the Council are to—

- (a) advise the Conservator on any matters referred to it by the Conservator;
- (b) advise on the application of the code of forest practices, including the revision and issuance of new codes, associated supporting documents, and guidelines;
- (c) promote the administration of this Act through cooperative engagement among stakeholders; and
- (d) promote and foster education, training, research, and the continuous improvement of Fiji's forest management systems.

(2) The Council must meet at least 3 times a year and may convene at any other time the chairperson considers necessary to advise on any matter.

(3) A quorum at a meeting of the Council is 4 members.

Forestry associations

14. Forest owners, stakeholders in the forestry industry and forestry professionals may form an association to represent and promote their interests.

PART 3—POLICY AND STRATEGIC PLAN

Policy and associated plans

15.—(1) The forest sector is to be administered in accordance with policies, associated plans and strategies of the Department having regard to—

- (a) current and evolving scientific knowledge;
- (b) stakeholder input; and
- (c) changing environmental conditions.

(2) The Conservator must conduct a review of a policy at least every 5 years in consultations with the Council and relevant agencies, organisations and other forest stakeholders, to ensure the suitability of the policies.

Research, knowledge transfer and capacity building

16. The Ministry may, as appropriate—

- (a) establish and maintain research institutions;
- (b) promote scientific research and technological development; and
- (c) ensure knowledge transfer and build capacity for—
 - (i) forest protection and conservation;
 - (ii) sustainable forest management and utilisation; and
 - (iii) wood processing and wood utilisation.

National forest cover monitoring and planning

17.—(1) The Department may implement a technology-driven system, including satellite imagery and remote sensing, for efficient monitoring of forest cover, condition assessment, change detection, and regular evaluation.

(2) The Department may conduct landscape-level forest planning using a cross-sectoral approach to harmonise environmental, social, and economic objectives and aligning sectorial plans with sustainable development goals.

(3) The Department must involve multiple stakeholder groups to ensure balanced consideration of all perspectives at a landscape level of forest planning.

(4) To ensure the effectiveness of such landscape-level plans, the Department must regularly monitor their implementation and adopt an adaptive management approach through revisions and updates.

(5) The Department is to ensure public access to monitoring results and landscape-level plans by making them available free of charge, promptly, transparently, and electronically.

Forest classification

18.—(1) The Department must classify forests based on forest functions, ecological characteristics and management regimes in the following categories and may use beacons, boundary marks, fences or notices to visibly demarcate these classifications—

- (a) multiple use forests;
- (b) forest plantations; and
- (c) protected forests which may also include—
 - (i) mangrove forests;
 - (ii) natural heritage;
 - (iii) forest reserves and nature reserves; or
 - (iv) high conservation value forest, including conservation leases.

(2) Any person, who without lawful authority, damages, alters, shifts, removes or interferes in any way whatsoever with any beacon, boundary mark or fence, notice or notice board erected by the Department for the purposes of subsection (1) commits an offence and may be issued with a fixed penalty notice as prescribed.

Declaration of nature reserves and forest reserves

19.—(1) The Minister may, by notice in the Gazette, on recommendation of the Conservator, and in consultation with the Director of Lands, declare any of the following classes of land already reserved for another public purpose to be a nature reserve, a forest reserve or a protected mangrove forest—

- (a) un-alienated State land;
- (b) land leased to the State;
- (c) un-alienated iTaukei land, with the prior informed consent of the iTaukei Land Trust Board or the Land Use Unit in relation to designated land; or
- (d) any land reverted to the State.

(2) The notice in the Gazette must clearly define the boundaries of the reserves and provide specific provisions outlining the protection purpose and provide a comprehensive list of permitted and prohibited activities.

(3) The Minister may, on recommendation of the Conservator and the Director of Lands, declare any nature reserve or forest reserve or part thereof to cease to be a nature reserve or a forest reserve.

(4) The Minister may, on recommendation of the Conservator, cause alienated land to be acquired for a public purpose and compensation be given in accordance with the provisions of the State Acquisition of Lands Act 1940 and may thereafter, declare it to be a forest reserve or a nature reserve.

Management of nature reserves and forest reserves

20.—(1) A forest reserve must be sustainably managed, protected and where necessary, restored to ensure its conservation and secure long-term benefits for both present and future generations.

(2) Nature reserves must be managed and protected solely to preserve their ecological integrity, encompassing their flora, fauna, fungi, soil, water and forest climate.

(3) Any building, fence or enclosure erected in or maintained on a forest reserve or in a nature reserve without the permission of the Conservator is deemed to be the property of the State and may be disposed of in such manner as the Conservator thinks fit.

National forest resource assessment

21.—(1) As soon as practicable after the commencement of this Act the Department must undertake a national forest resource assessment to collate data for the purposes of—

- (a) implementing sustainable forest management for the supply of timber on a sustainable basis;
- (b) forest cover and resource monitoring at national level; and
- (c) assessment of forest resources to inform specific management needs, such as the condition of water catchments, habitat for biodiversity and areas of land requiring restoration and reforestation.

(2) Notwithstanding subsection (1), the national forest resource assessment must be conducted at least every 10 years.

(3) The Conservator may use the results of the national forest resource assessment to identify areas appropriate for timber harvesting based on forest conditions.

(4) Where an area has been identified under subsection (3), a licensee must complete a forest management inventory in a form approved by the Department before making an application under section 23.

(5) The owner of a forest plantation resource must undertake periodic forest management inventories at least every 3 years.

PART 4—LICENSING AND CERTIFICATION OF FOREST PRACTICES PLANS*Prohibited activities*

22.—(1) Except as authorised by a licence issued or a forest practices plan certified by the Conservator under this Act, a person must not—

- (a) in a forest reserve, or a nature reserve—
 - (i) conduct forest practices or introduce tree species or other plants, that are non-native to the site;
 - (ii) remove other timber or non-timber forest products;
 - (iii) remove peat, rock, sand, shells and soil other than minerals as defined in the Mining Act 1965;

- (iv) cut, burn, uproot, damage or destroy vegetation;
- (v) erect any buildings or livestock enclosures;
- (vi) graze or allow any domestic animal to enter therein;
- (vii) plant any crops or trees;
- (viii) construct or obstruct any roads, paths, waterways or other infrastructure;
- (ix) hunt or fish; or
- (x) set any trap, snare or net or use or to be in possession of any gun, poison or explosive substance;
- (b) on State land not being alienated land—
 - (i) conduct forest practices; or
 - (ii) remove other timber or non-timber forest products;
- (c) on iTaukei land not being alienated land—
 - (i) conduct forest practices; or
 - (ii) remove other timber or non-timber forest products; or
- (d) on alienated land forest—
 - (i) conduct forest practices; or
 - (ii) remove other timber or non-timber forest products.

(2) In the case of a protected mangrove forest, a forest or nature reserve, the Conservator may authorise by written notice activities otherwise prohibited under subsection (1)(a) where such activities are consistent with the principles in section 20.

(3) An authorisation issued under subsection (2) must include such terms and conditions as the Conservator deems consistent with the principles in section 20.

(4) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$10, 000 or a term of imprisonment not exceeding 5 years, or both.

Forest practices plan

23.—(1) Any person intending to conduct forest practices on—

- (a) a forest or nature reserve;
- (b) high conservation value forest;
- (c) State land not being alienated land;
- (d) iTaukei land not being alienated; or
- (e) alienated land;

must make an application in writing to the Conservator in the approved form for the certification of a forest practices plan.

(2) An application made in accordance with subsection (1) must be prepared in accordance with the provisions of a code of forest practices in force at that time and must be submitted in a form approved by the Conservator and accompanied by the consent of the relevant body under section 79, any information required by the Conservator and fees prescribed by regulations.

(3) Upon receipt of an application made in accordance with subsections (1) and (2), the Conservator may certify a forest practice plan in accordance with the provisions of the code of forest practices.

(4) A person must not operate or conduct forest practices for any purpose whatsoever within the areas listed under subsection (1) unless with and in accordance with a forest practice plan certified under this section.

(5) Any person granted a certified forest practices plan under this section must only conduct activities approved within the plan, for the duration and on areas specified within the forest practices plan by the Conservator.

(6) A person must not acquire timber from land that does not have a certified forest practices plan in effect and is not being managed according to the forest practices plan.

(7) Any person who contravenes this section commits an offence and is liable on conviction, in the case of a—

- (a) natural person, a fine not exceeding \$50,000 for the first offence and not exceeding \$100,000 for the second and subsequent offences or imprisonment for a term not exceeding 5 years, or both; or
- (b) body corporate or unincorporate, a fine of not less than \$80,000 for the first offence and not less than \$160,000 for the second and subsequent offences or imprisonment for a term not exceeding 10 years, or both.

Duration of certified forest practices plan

24.—(1) The Conservator may certify a forest practices plan for a term of up to 5 years.

(2) The Conservator may refuse to certify a forest practices plan if it does not meet the standards prescribed or the requirements of a code of forest practices.

(3) The Conservator may revoke a certified forest practices plan if the holder subsequently fails to meet the standards prescribed, or those in the code of forest practices or the iTaukei Land (Forest) Regulations 1943.

(4) A person aggrieved by the refusal or revocation of the certification of the forest practices plan under subsections (2) or (3) may, appeal the decision to the Tribunal.

(5) The Department must maintain a register of all certified plans and must make the details of those plans available to the public, excluding any information that is of a personal, confidential or commercial-in-confidence nature.

Compliance reports for forest practices plans

25.—(1) A person whose forest practice plan has been certified under section 23 must submit a compliance report to the Conservator in the approved form within 30 days after the completion of activities under the plan or the expiration of the plan's authorised period, whichever occurs first.

(2) A compliance report under subsection (1) must be certified by a Forest Practices Officer before submission to the Conservator, and must include—

- (a) the extent of compliance with the forest practices plan;
- (b) if timber harvesting was authorised, the volume of timber extracted; and
- (c) any other information deemed necessary by the Conservator.

(3) A person who contravenes this section commits an offence of absolute liability and is liable on conviction to a fine of \$25,000, or a term of imprisonment not exceeding 2 years, or both.

Annual assessment of the implementation of forest practices plans

26.—(1) The Conservator must, at least once in each financial year monitor and assess the implementation of a representative sample of forest practices plans.

(2) The Conservator must, as soon as practicable after completing the assessment, prepare a report of the findings.

(3) The report prepared under subsection (2) in respect of a financial year is to be included in the annual report of the Ministry for the same financial year.

Forest management licence

27.—(1) The Conservator may issue a forest management licence to a person, organisation or company that demonstrates a commitment to sustainable forest management and tree planting, to establish long-term tenures.

(2) An application for the forest management licence must be made in the approved form accompanied by any such fees or information specified by the Conservator.

(3) A forest management licence's duration may be aligned with the duration of the corresponding land tenure.

(4) The Conservator may include in a forest management licence any terms and conditions necessary for compliance with this Act.

(5) A person must not operate or conduct activities for the purposes of maintaining a forest plantation except with a forest management licence issued under this section.

(6) The requirement for a certified forest practices plan and compliance with it remains unaffected by the granting of a forest management licence.

(7) A person who contravenes this section commits an offence of absolute liability and is liable on conviction in the case of a—

- (a) natural person, a fine not less than \$25,000 for the first offence and not less than \$50,000 for the second and subsequent offences or imprisonment for a term not exceeding 5 years, or both; or

- (b) body corporate or unincorporate, a fine not less than \$80,000 for the first offence and not less than \$160,000 for the second and subsequent offences or imprisonment for a term not exceeding 10 years, or both.

Non-timber forest products licence

28.—(1) The Conservator may issue a licence for the harvesting of non-timber forest products.

(2) An application for a licence under subsection (1) must be accompanied by a fee as prescribed in the regulations.

(3) A licence issued in accordance with subsection (1) must be accompanied by such terms and conditions as the Conservator deems appropriate to ensure compliance with this Act and any code of forest practices issued under this Act.

(4) The Conservator may revoke a licence issued under this section if the licensee fails to meet terms and conditions of the licence, the standards prescribed, or those in any applicable code of forest practices.

Import and export licence

29.—(1) The Conservator may issue import and export licences to monitor the quality, quantity, value and other relevant information of all forest product movements for future management decisions.

(2) Any person intending to import or export forest products is required to submit an application in the approved form, along with any such fees and information specified by the Conservator.

(3) An import and export licence may include terms and conditions the Conservator considers necessary to ensure compliance with this Act.

(4) A person must not import or export forest products except with an import and export licence issued under this section.

(5) Any person who contravenes this section commits an offence and is be liable on conviction in the case of a—

- (a) natural person, a fine not less than \$25,000 for the first offence and not less than \$50,000 for the second and subsequent offences or imprisonment for a term not exceeding 5 years, or both; or
- (b) body corporate or unincorporate, a fine not less than \$80,000 for the first offence and not less than \$160,000 for the second and subsequent offences or imprisonment for a term not exceeding 10 years, or both.

Wood processing licence

30.—(1) The Conservator may issue licences for the operation of any wood processing mills such as sawmills, chip mills, ply mills, veneer mills and any other type of mill which falls under this category, upon evidence that the applicant has secured a satisfactory wood supply.

(2) A licence issued in accordance with subsection (1) must be accompanied by such terms and conditions as the Conservator deems appropriate to ensure compliance with this Act and any code of forest practices.

(3) The Conservator may revoke a licence issued under this section if the licensee subsequently fails to meet terms and conditions of the licence, the standards prescribed by this Act, or those in any code of forest practice.

(4) A person must not operate a wood processing mill or conduct activities for its operation without a wood processing licence issued under this section.

(5) Any person who contravenes this section commits an offence and is be liable on conviction in the case of a—

- (a) natural person, a fine not less than \$25,000 for the first offence and not less than \$50,000 for the second and subsequent offences or imprisonment for a term not exceeding 5 years, or both; or
- (b) body corporate or unincorporate, a fine not less than \$80,000 for the first offence and not less than \$160,000 for the second and subsequent offences or imprisonment for a term not exceeding 10 years, or both.

Log scaling

31.—(1) Any log extracted from a licensed area from a forest on State Land, iTaukei or planted forests, including minor forest produce such as pine chips, sandalwood, firewood as well as logs intended for a commercial purpose, must be measured and weighed according to prescribed logs scaling requirements.

(2) The Conservator must appoint suitably trained persons as certified licenced scalers for the purposes of measuring and grading logs in accordance with the standards set by the Department.

(3) Any person who—

- (a) fraudulently reports on log measurements during scaling; or
- (b) tampers with treated or specially engineered logs or timber where the intended standard of the timber is compromised and its quality misrepresented,

commits an offence.

Transfer of licences or rights conveyed by licences

32.—(1) A licence issued under this Act, must not be transferred except with the prior written approval of the—

- (a) landowner;
- (b) iTaukei Land Trust Board; or
- (c) Land Use Unit; and
- (d) Conservator.

(2) The employment or subcontracting by any licensee of any other parties to carry out any logging or related operations must be subject to the prior written approval of the Conservator.

(3) Any activities carried out on any land during the time for which a licence is in force in relation to that land is deemed to be carried out under the authority of the licensee, unless the licensee proves the contrary.

(4) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$25,000 or a term of imprisonment not exceeding 2 years, or both.

Power of the Conservator to suspend or revoke licences or plans

33.—(1) The Conservator may, by written notice, wholly or in part suspend operations carried out under a licence or certified plan issued under this Act if a breach of its terms or conditions has occurred or is likely to occur.

(2) The written notice must specify the reasons for the full or partial suspension of operations and require the licensee or plan holder to take all necessary measures to remedy or prevent the breach within a reasonable timeframe.

(3) Following such period of time set out under subsection (2), where the Conservator is not satisfied that the required necessary measures have been taken, the Conservator may revoke or suspend the licence or plan, provided that before any revocation or suspension, the Conservator allows the person an opportunity to be heard.

(4) A licensee or plan holder aggrieved by the decision of the Conservator may lodge an appeal to the Tribunal within 28 days from the date the licence or plan was revoked or suspended.

Enforcement of a licence or plan

34.—(1) The licensee or plan holder is liable for any damage resulting from non-compliance with any terms or conditions of a licence issued under this Act.

(2) Where it is alleged that a licensee or plan holder has caused damage, whether through a breach of a licence or plan condition or otherwise, an independent third party acceptable to the landowners, the licensee and the Conservator must assess and value the damage.

(3) The aggrieved party may apply to the court for relief.

(4) Any person who—

- (a) makes a misrepresentation, omission, or misstatement of fact in an application for a licence or plan that could reasonably be expected to affect the decision of the Conservator or relevant authority regarding the approval or conditions of the licence or plan;
 - (b) without lawful authority alters, obliterates, removes or defaces any stamp, mark, sign, licence, plan or other document lawfully issued under this Act;
- or

- (c) counterfeits or issues any licence, plan or document purporting to be a licence, plan or document issued under the provisions of this Act, commits an offence.

(5) Any person who, after being issued a licence or plan under this Part, conducts forest practices beyond the area prescribed in the licence or plan commits an offence.

PART 5—NOTICE TO REQUIRE COMPLIANCE WITH CERTIFIED FOREST PRACTICES PLAN

Initial requests for compliance by Forest Practices Officer

35.—(1) Where in the opinion of a Forest Practices Officer the provisions of a certified forest practices plan are not complied with on any land to which the plan relates or the provisions of this Act have not been complied with, he or she may, either orally or in writing, request the person in charge of the forest practices carried out on that land to do any one or more of the following—

- (a) comply with the provisions of the certified forest practices plan or the provisions of this Act, as the case may be;
- (b) take action, in accordance with the code of forest practices or as directed by the Conservator, so as to—
 - (i) repair or make good any damage to land, vegetation, or objects, that, in the reasonable opinion of the Officer, has been caused by the forest practices specified in the request; or
 - (ii) rehabilitate or revegetate any land that, in the reasonable opinion of the Officer, has been, or on which, in the reasonable opinion of the Officer, the vegetation has been, damaged, degraded, or altered, by the forest practices specified in the request.

(2) The request, if it is in respect of the provisions of a certified forest practices plan, may be made—

- (a) at any time while the plan is in force; or
- (b) at any time in the 12-month period immediately after the day on which the plan ceases to be in force.

Compliance notices and directives for non-compliance

36.—(1) If the Forest Practices Officer makes the request under section 35, another Forest Practices Officer, or the Conservator later considers that the request under section 35 has not been complied within a reasonable time, he or she may, by notice served on the person apparently in charge of the forest practices carried out on that land, direct that person as follows—

- (a) cease the forest practices specified in the notice;

- (b) where there is a certified forest practices plan in relation to the forest practices on the land and in the reasonable opinion of the Officer it is practicable and economically feasible to do so —
 - (i) repair or make good, in the manner and within the period specified in the notice, any damage to land, vegetation, or objects, that, in the reasonable opinion of the Officer, has been caused by the forest practices specified in the notice; or
 - (ii) rehabilitate or revegetate, in the manner and within the period specified in the notice, any land that has been, in the reasonable opinion of the Officer, or on which the vegetation has been, in the reasonable opinion of the Officer, damaged, degraded, or altered, by the forest practices specified in the notice;
- (c) if there is no certified forest practices plan in relation to the forest practices on the land and, in the reasonable opinion of the Officer it is practicable and economically feasible to do so—
 - (i) within the period specified in the notice, repair or make good, in accordance with the code of forest practices or as directed by the Conservator any damage to land, vegetation, or objects, caused, in the reasonable opinion of the Officer, in contravention of this Act, by the forest practices specified in the notice; or
 - (ii) within the period specified in the notice, rehabilitate or revegetate, in accordance with the code of forest practices or as directed by the Conservator, any land that has been, in the reasonable opinion of the Officer, or on which the vegetation has been, in the reasonable opinion of the Officer, damaged, degraded, or altered, by the forest practices specified in the notice;
- (d) carry out, within the period specified in the notice, such other work as may be specified in the notice; or
- (e) take, within the period specified in the notice, such actions as may be specified in the notice to ensure that the provisions of this Act are complied with.

(2) A notice under subsection (1), subject to subsection (3), takes effect on such date as is specified in the notice, being a date not earlier than 2 days after the service of the notice on the person in charge of the forest practices.

(3) A person who is served with a notice under subsection (1) and who has not appealed to the Tribunal in respect of the notice pursuant to section 38, must comply with the directions contained in the notice in the manner and within the period specified in the notice.

Failure to comply with notices and Conservator's remedial actions

37.—(1) A person referred to in section 36(3) who fails to comply with the directions contained in a notice under section 36(1) in the manner and within the period specified in the notice is guilty of an offence of absolute liability and is liable on conviction to a fine not less than \$10,000, or a term of imprisonment not exceeding 2 years, or both.

(2) Where a person referred to in section 36(3) fails to comply with a notice under subsection (1) in the manner and within the period specified in the notice, the Conservator may request any person to do either or both of the following—

- (a) repair or make good the damage referred to in section 36(1) or rehabilitate or revegetate the land to which the notice relates; or
- (b) carry out the works or take the action specified in the notice.

(3) A person who complies with a request under section 36(1) may, for that purpose, enter and remain on the land to which the notice referred to in that subsection relates.

(4) The costs and expenses incurred by a person in repairing or making good any damage, revegetating or rehabilitating any land, or carrying out any work or taking any action in compliance with a request made to that person by the Conservator under subsection (2) may be recovered in a court of competent jurisdiction as a debt due to that person, or the Conservator, from the person who failed to comply with the notice referred to in that subsection.

Appeals

38.—(1) A person who is aggrieved by a notice served on him or her under section 36(1) may, within 2 days after the date of service of that notice on him or her, appeal to the Tribunal.

(2) An appeal under subsection (1) is instituted by giving written notice to the registrar or in such other manner as may be prescribed.

(3) Where an appeal is brought under this section in respect of a notice, the notice does not take effect until the determination or abandonment of the appeal or until such other date as the Tribunal may determine.

(4) At the hearing of an appeal under this section, the Tribunal may confirm, modify, or cancel the notice referred to in section 36.

(5) A person referred to in subsection (1) who fails to comply with a notice as modified or confirmed by the Tribunal is guilty of an offence of absolute liability and is liable on summary conviction to a fine not less than \$10,000 or a term of imprisonment not exceeding 2 years, or both.

PART 6—CODE OF FOREST PRACTICES

Issue of code of forest practices

39.—(1) The Conservator, after consulting with the Council, must prepare a draft code on the conduct of forest practices.

(2) When the Conservator prepares the draft code referred to in subsection (1), the Conservator must cause a notice that the draft code has been so prepared to be published in the Gazette and a national newspaper published in Fiji.

(3) A notice referred to in subsection (2) must—

- (a) specify the places where the draft code may be accessed or inspected;
- (b) invite submissions with respect to the draft code from the public for consideration by the Conservator; and
- (c) specify that the submissions must be received by the Conservator within 60 days after publication of the notice in the newspaper.

(4) Any person may, without payment of a fee, access the draft code at the places specified in the notice referred to in subsection (2).

(5) Following consultations with the Council and considering any public submissions received under this section with respect to the draft code, the Conservator must recommend to the Minister that the code be issued.

(6) When the Minister issues the code referred to in subsection (5), the Minister must cause a notice that the code has been so issued to be published in the Gazette and in the national newspaper published in Fiji.

Purposes of code of forest practices

40.—(1) The code of forest practices prescribes the manner in which forest practices are to be conducted so as to provide reasonable protection to the environment, including the conservation of biodiversity and streams, landscape management and the control of soil erosion.

(2) The code of forest practices may be issued in more than one part to address prescriptions for specific forest-related activities such as the protection and management of native forests, the establishment and management of plantations, the restoration of degraded forests and the operation of wood processing facilities.

Amendment of code of forest practices

41.—(1) The Conservator, after consulting with the Council may recommend to the Minister that the code of forest practices be amended or rescinded and a new code of forest practices be issued.

(2) A person may, in writing, request the Conservator to amend the code of forest practices.

(3) Where the Conservator seeks to amend the code of forest practices, the Conservator must cause a notice containing the prescribed particulars to be published in the national newspaper published in Fiji.

(4) For the purposes of subsection (3) prescribed particulars means—

- (a) notification of the Conservator's intention to recommend to the Minister the amendment of the code of forest practices;

- (b) a brief description of the effect of the proposed amendments;
- (c) a statement to the effect that—
 - (i) the amendments to the code of forest practices proposed by the Conservator are set forth in a document kept at the office of the Department and may be inspected at that office or by on-line access by any person without payment of a fee; and
 - (ii) objections to the amendments referred to in subparagraph (c)(i) may be lodged with the Conservator by the date specified in the notice, being a date not earlier than 60 days after the date on which the notice is published in the newspaper; and
- (d) such other particulars as the Conservator considers necessary.

Objection to amendment of code of forest practices

42.—(1) Any person who wishes to object to the amendment of the code of forest practices which the Conservator seeks to make, may, at any time before the expiration of the period of 60 days after the notice referred to in section 41 is published in accordance with that section, lodge with the Minister an objection in writing to the amendments sought to be made by the Conservator.

(2) An objection lodged under subsection (1) may not be entertained by the Minister unless—

- (a) it specifies the ground of the objection; and
- (b) it has been lodged with the Minister before the expiration of the period referred to in that subsection.

(3) The Minister, after considering any objections that are lodged in accordance with subsection (1), must publish a notice in the Gazette specifying the amendment to the code of forest practices.

(4) A notice published in accordance with subsection (3) must specify the date on which the amendment of the code of forest practices takes effect.

Assessment of the effectiveness of provisions in the code of forest practices and forest practices plans

43.—(1) The Conservator must undertake research and evaluate the provisions in the code of forest practice and forest practices plans and must at least once every 5 years prepare a report on the effectiveness of those provisions in meeting the objectives of this Act.

(2) The Conservator must use the findings from subsection (1) to identify and implement improvements to the operation of this Act.

PART 7—FEES, ROYALTIES AND CUSTOMARY RIGHTS

Fees

44. The Department must review its fees at least every 5 years from the commencement of this Act and may, with the approval of the Minister, introduce, increase, decrease or waiver of such fees.

Royalties

45.—(1) Royalties relating to iTaukei land must be paid to—

- (a) the iTaukei Land Trust Board; or
- (b) the Ministry responsible for lands, where the iTaukei land has been designated under the Land Use Act 2010.

(2) The rate of royalty must be determined by the Department and payment of royalties must be made in accordance with the class of logs scaled as prescribed in the regulations.

(3) The Department must review royalty rates every 5 years in accordance with publicly available assessment standards, following consultation with all relevant stakeholders and without prejudice to existing agreements, licences or contracts.

(4) Any royalty or fee due and payable under a licence for any produce must constitute a first charge on that produce and may be seized and retained by the Conservator, who has a duty to preserve it in good condition until such amount is paid.

(5) If such amount is not paid within 7 days of such seizure, the Conservator may sell the said produce by public auction and proceeds of sale are to be directed toward the recovery of any expenses incurred in the seizure and sale.

(6) The surplus of a sale under subsection (5), subject to notice having been given to the person entitled or his or her authorised representative, if not claimed within 2 months of the sale by the person entitled thereto, is forfeited to the State.

iTaukei customary rights

46.—(1) Subject to the terms and conditions of a licence by the Conservator under this Act or a lease and the provisions of subsections (3), (4) and (5) nothing in this Act is deemed to prohibit or restrict—

- (a) on iTaukei reserve, the exercise of any rights established by iTaukei custom to hunt, fish, or collect fruits, vegetables, timber and other plants and animals; or
- (b) on alienated iTaukei land, with the consent of the lessee of such land, the cutting or removal in accordance with iTaukei custom of forest products which may be necessary for the purposes specified in paragraph (a).

(2) Fees or royalties are not be payable by any iTaukei owner in respect of any forest product cut or removed, for subsistence use, in accordance with subsection (1).

(3) The Minister may, by notice in the Gazette prohibit the felling or removal of timber of a class, description or dimension specified in such notice in any area of iTaukei land and for such a period of time as specified in the notice.

(4) Nothing in this section is deemed to authorise any person to set fire to grass or undergrowth.

(5) iTaukei owners must not cut, fell or remove any plantation trees on plantation land upon which a licence has been issued by the Conservator in accordance with this Act.

(6) The Conservator must consider iTaukei customary land tenure when implementing requirements under international conventions and agreements.

PART 8—SUSTAINABLE FOREST MANAGEMENT, PROTECTION OF FOREST SPECIES, FOREST HEALTH AND FOREST FIRES

Endorsement of forest management policies and certification

47.—(1) The Conservator must endorse and issue forest management policies to ensure the protection, restoration and sustainable management of forests and the marketing of forest products in accordance with standards set by the Department for resource owners and forest users.

(2) The certification of timber in accordance with national or international standards for forest management, chain of custody, and fair trade remains voluntary.

Endangered and protected forest species

48.—(1) The Conservator may appoint a committee to review the list of forest species under the Endangered and Protected Species Act 2002 and any other written law.

(2) A committee appointed under subsection (1), may carry out a review at least once every 5 years and may make the findings of each review publicly available.

Forest health

49. Forest owners, forest users, licensees or any person operating or in charge of a forest or forest plantation must actively protect those forests against outbreaks of pests, including invasive species, and other harmful impacts.

Forest fires

50.—(1) A person must not light or cause to be lit a fire in any forest, including plantation forests and areas prepared for planting forest or trees, unless authorised by a fire licence under subsection (3).

(2) The Conservator may, where he or she finds that the hazard of forest fire warrants such action, declare any area a fire hazard area by notice in the Gazette for such time as the fire hazard persists.

(3) Upon application, the Conservator may issue a fire licence for any area where the lighting of fires is prohibited under subsection (1).

Appointment of fire rangers

51.—(1) The Conservator may appoint fire rangers for specified forest reserves, nature reserves, or fire hazard areas.

(2) Subject to the Conservator's written instructions, a fire ranger may issue fire licences for their designated area.

(3) All Forestry Officers, Forest Practices Officers and Police Officers must be *ex-officio* fire rangers and may exercise the powers under subsection (2) with respect to any forest area in Fiji.

Liability for damage caused by fire

52.—(1) A person who lights a fire in contravention of section 50(1) commits an offence of absolute liability and is liable upon conviction for any damage caused by the fire, regardless of any efforts made to prevent such damage.

(2) Where a fire escapes from an area owned or occupied by any person, that person is liable for any damage caused by that fire unless they prove that neither they nor anyone under their employment or supervision lit or ignited the fire and that they took all reasonable measures to prevent the damage.

(3) Any person in the vicinity of and is aware of a fire causing or likely to cause damage must assist to the best of their ability in extinguishing the fire.

(4) For the purpose of subsection (3), a person may enter any land where the fire may be or where there is reason to believe the fire may spread and may do such things as are reasonably necessary to control or extinguish the fire.

(5) Any person who—

- (a) unreasonably refuses to assist in extinguishing a fire in accordance with subsection (3); or
- (b) lights a fire or attempts to light a fire without being licenced under section 50 to do so,

commits an offence.

PART 9—FOREST FINANCE*Financial instruments and mechanisms*

53. The Department, in accordance with any written law, may establish financial instruments and mechanisms with the purpose of financing the implementation of this Act and its objectives, which may include the following—

- (a) a forest finance strategy to support and coordinate access to funding, while ensuring sustained and continuous financial support for forest protection, conservation, restoration, sustainable forest management, and the fostering of a forest-based bioeconomy;
- (b) national or international forest to finance projects on forest conservation, restoration, sustainable management of forests, research, and the forest-based bioeconomy, funded through sources such as taxes, levies, fees, payments for ecosystem services, carbon or biodiversity credits, official development assistance, international climate and biodiversity finance, using financial instruments including equity, loans, mezzanine financing and bonds, with access criteria and procedures to ensure benefits reach local communities, indigenous and other forest-dependent groups;
- (c) public-private partnerships for the protection, conservation, restoration, sustainable management of forests, and research of forests and forest-based bioeconomy;

- (d) payments for ecosystem services to incentivize and facilitate financial flows for forest-based activities and the ecosystem services they provide; or
- (e) emissions reduction projects, programmes or activities that involve forests.

Emissions reduction projects, programmes or activities that involve forests

54.—(1) Any person seeking to register or conduct an emissions reduction project, programme or activity that involves forests in Fiji to generate Fiji Mitigation Outcome Units or other emissions reduction units issued under an approved international emissions reduction standards or for the purpose of Article 6 of the Paris Agreement, or seeking to use, sell or transfer such units, must comply with the provisions of Part 10 of the Climate Change Act 2021 and related regulations.

(2) The Conservator has the power to provide technical advice, consents and determinations as required or requested under the Climate Change Act 2021 and related regulations.

(3) In discharging the powers under subsection (2), the Conservator must take into consideration—

- (a) guidelines, standards and procedures provided for under international agreements, conventions or treaties to which Fiji is a party; and
- (b) any Fiji REDD+ policy and blue carbon policy.

(4) The Minister has the power to provide advice and approvals and to discharge the responsibilities as set out in the Climate Change Act 2021 and related regulations.

PART 10—ADMINISTRATION AND ENFORCEMENT

Appointment of Forestry Officers

55.—(1) On the Conservator's recommendation, the Permanent Secretary may appoint persons within the Department as Forestry Officers to ensure the effective administration and enforcement of this Act.

(2) The Forestry Officers must possess knowledge, skills and experience appropriate to the positions to which they are appointed.

Power of officers

56.—(1) Any Forestry Officer or person appointed by the Conservator, or Police Officer, may without a warrant enter any land on which the Officer has reasonable grounds to believe that activities are being, or have been conducted, and any timber yard or sawmill, timber merchants, wood processing sites and inspect such activities and any forest products found in such places, to ensure that the provisions of this Act are being or were complied with.

(2) Any Biosecurity Officer or Forestry Officer, may enter sites harbouring potentially harmful organisms and materials, such as plant nurseries and plant breeding and distribution sites.

(3) Any Officer, Police Officer or any person authorised in this behalf by the Conservator may —

- (a) where any person is engaged in an activity for which a licence or other authorisation is required under this Act, require the production of such licence or other authorisation by such person; and
- (b) stop and inspect any log carrier or other vehicle which is carrying any forest products or anything for which a transport document is required under this Act or which he or she reasonably suspects has been obtained in contravention of this Act.

(4) Any person who—

- (a) refuses to produce or make available for inspection by any Forestry Officer a licence or other document required to be kept under this Act;
- (b) obstructs a Forestry Officer from carrying out their inspection duties;
- (c) forges or fraudulently uses upon any forest product, any registered hammer mark or any mark used by any Forestry Officer to indicate that such forest product may be removed or is the property of the State or of some other person; or
- (d) without proper authorisation wears any identification, uniform or part of a uniform or any badge or other mark issued by the Department,

commits an offence.

Power of arrest

57. Upon notification by a Forestry Officer, any Police Officer may, without a warrant, arrest any person whom they reasonably suspect has committed an offence against this Act.

Power of seizure

58.—(1) Any Forestry Officer or Police Officer, may without a warrant seize and handover to the Conservator any—

- (a) forest products or any peat, rock, sand, shells and soil other than minerals as defined in the Mining Act 1965, in respect of which there is reason to believe that an offence has been committed against this Act, together with any objects or livestock used in the commission of such offence;
- (b) any forest products encountered on such inspections which do not comply in quality with prescribed standards; or
- (c) livestock found trespassing or found without any person in charge of them in any forest reserve or nature reserve.

(2) Any Biosecurity Officer or Forestry Officer may confiscate, in any site, plants and trees deemed harmful to forests.

Non-liability of Forestry Officers

59. A Forestry Officer must not be held responsible or held liable for any loss or damage, which may occur in respect of anything done for the purposes of this Act unless he or she causes the same maliciously or fraudulently or by gross negligence.

Seized property and abandoned timber

60.—(1) The Conservator must take possession of any item seized under section 58 and any timber, which appears to have been abandoned.

(2) The Conservator must make such enquiry as appears reasonable in the circumstances and either release the items referred to under subsection (1) to any claimant whom he or she has established to be the owner of such items or establish that the property of such items vests in the State free from all encumbrances.

(3) If such product seized is perishable, the costs for storage to prevent deterioration of the said product must be borne by the owner of the licence.

(4) If the licence owner refuses or otherwise fails to bear the storage costs of the seized products, the Conservator must authorise in writing the immediate sale or disposal in any other way of any of the objects referred to in subsection (1) which are perishable.

(5) If any of the items referred to in subsection (1) is claimed by more than one person, the Conservator may refer the claimants to the relevant competent court.

(6) Any person aggrieved by any decision of the Conservator under this section may, within 28 days after such decision, appeal to the Tribunal in writing.

(7) A person is not entitled to recover possession of any object seized under the provisions of this section until the amount of any expenses incurred in collecting, moving, storing and disposing of the said objects has been paid to the Conservator.

(8) Any of the functions under this section, if not exercised directly by the Conservator, may with the written approval of the Conservator, be exercised by the Deputy Conservator, Principal Forestry Officer, Senior Forestry Officer, Forestry Officer, or any other person approved by the Conservator.

Forest Practices Officers

61.—(1) Subject to this section, the Conservator may by warrant signed by the Conservator authorise the following persons to be a Forest Practices Officer for the purposes of this Act—

- (a) a person appointed as a Forestry Officer under section 55(1); and
- (b) any person employed by a body corporate which has an involvement in forest practices in Fiji, or any person whom it regards as being suitably qualified.

(2) The Conservator may, by notice in writing, revoke a warrant authorising a person to be a Forest Practices Officer for the purpose of this Act and, upon service of the notice on that person, the authorisation is revoked.

(3) The Conservator may at any time revoke the authorisation of a person to be a Forest Practices Officer for any reason it considers sufficient and, without limiting the generality of this, the Conservator may revoke any such authorisation on the grounds that the person concerned —

- (a) has been negligent or not diligent in performing the duties and exercising the powers of a Forest Practices Officer;
- (b) has contravened a code of conduct;
- (c) has contravened a direction given under this Act to the Forest Practices Officer by the Conservator;
- (d) has been convicted of an offence against this Act;
- (e) has been convicted, in Fiji or elsewhere, of an offence involving dishonesty; or
- (f) is physically or mentally incapable of adequately performing the duties or exercising the powers of a Forest Practices Officer.

(4) A Forest Practices Officer is not responsible or held liable for any loss or damage which may occur as a result of his or her actions under this Act unless he or she causes the same maliciously or fraudulently or by gross negligence.

(5) A Forest Practices Officer may exercise the same powers of inspection as a Forestry Officer under section 56.

Code of conduct for Forest Practices Officer

62.—(1) The Conservator must prepare a code of conduct for Forest Practices Officers.

(2) The Conservator in preparing a code of conduct, must consult with the Council and Forest Practices Officers.

(3) As soon as practicable after the Conservator issues a code of conduct, the Conservator must cause notice of the issue to be published in the Gazette or in another manner that the Conservator considers appropriate.

Contents of code of conduct

63.—(1) A code of conduct is to specify the manner in which Forest Practices Officers are to perform their functions, and exercise their powers, under this Act or any other written law.

(2) A code of conduct for Forest Practices Officers is to specify the procedures for the investigation and determination of whether a Forest Practices Officer has contravened the code of conduct.

(3) The procedures referred to in subsection (2)—

- (a) are to afford procedural fairness in the determination of whether a Forest Practices Officer has contravened the code of conduct; and

(b) may vary according to the circumstances of the alleged contravention of the code of conduct.

(4) A code of conduct must be consistent with this Act.

Fixed penalty notices

64.—(1) Where the Conservator, or a Forestry Officer authorised by the Conservator, has reasonable grounds to believe that a person has committed a fixed penalty offence as prescribed in section 70, the Conservator or authorised forestry officer may issue that person with a fixed penalty notice.

(2) A fixed penalty notice must—

- (a) be in the approved form;
- (b) specify the alleged fixed penalty offence;
- (c) specify the fixed penalty amount for that offence;
- (d) specify the date by which the fixed penalty must be paid, which must not be less than 28 days from the date of issue of the notice;
- (e) state that if the fixed penalty is paid within the specified period, no further proceedings will be taken in respect of the alleged offence; and
- (f) state that if the fixed penalty notice is not paid within the specified period, the person may be prosecuted for the alleged offence or for the offence of failing to pay the fixed penalty.

(3) Payment of the fixed penalty within the period specified in the fixed penalty notice discharges the liability of the person for the alleged fixed penalty offence.

(4) A person who is served with a fixed penalty notice under subsection (1) and fails to pay the fixed penalty within the timeframe specified in the notice commits an offence.

(5) A person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months, or to both.

(6) For the avoidance of doubt, payment of a fine under subsection (5) does not discharge the liability of the person for the original fixed penalty offence, and the Conservator may proceed with the prosecution for the original offence.

Commencement of proceedings

65. No proceedings for an offence under this Act may be commenced 3 years after—

- (a) the date on which the offence was committed; or
- (b) the date on which evidence of the offence first came to the attention of the Conservator, whichever is the later.

Offences and penalties

66. Any person found guilty of an offence against this Act for which a penalty is not specified, is liable upon conviction to a fine not less than \$5,000 or to a term of imprisonment not exceeding 2 years, or to both.

Liability of body corporate and directors

67. Where a body corporate commits an offence under this Act, the director, employee or agent of the body corporate who directed, authorised, assented to, acquiesced in or participated in the commissioning of the offence also commits the offence, and is liable on conviction to a fine not less than \$5,000 and not exceeding \$50,000, or a term of imprisonment not exceeding 4 years, or both.

Evidence

68.—(1) In the prosecution for an offence under this Act it is sufficient proof of the offence against a person to establish that the offence was committed by an employee or agent of that person, whether or not the employee or agent is identified or prosecuted for the offence.

(2) A suitably qualified person authorised by the Permanent Secretary may issue a certificate stating that he or she has analysed or examined the matter, substance or product and stating the result of the analysis or examination is evidence admissible in Court for the offence described in the certificate and of the correctness of the result of the analysis or examination.

(3) No certificate of a person authorised under subsection (2) is to be received in evidence unless the party intending to produce it has given to the party against whom it is intended by a Court to be produced reasonable notice of the intention together with a copy of the certificate.

(4) Where any person is convicted by a Court of an offence against this Act, whereby any forest product, forest ecosystem, or watershed has been damaged or injured or taken, the court may in addition to any other penalty, order such person to pay to the owner of such forest product, forest ecosystem, soil, or watershed, compensation not exceeding the commercial value thereof and obligate the person, in the event of damage to or destruction of the forest ecosystem, soil or watershed, to restore it.

(5) The commercial value of such product, forest ecosystem, soil, or watershed must be determined by independent third parties.

Certificate of evidence

69.—(1) In any proceedings for an offence under this Act, a certificate signed by the Conservator, or a Forestry Officer authorised by the Conservator for this purpose, stating any of the following matters is admissible as *prima facie* evidence of the facts stated in the certificate, without proof of the signature or official character of the person appearing to have signed the certificate—

(a) that on a specified date or during a specified period—

- (i) a particular area of land was declared a forest reserve, nature reserve, high conservation value forest, State land not being alienated land, iTaukei land not being alienated land, or alienated land forest;
- (ii) a beacon, boundary mark, fence, notice or notice board was erected by the Department for the purpose of forest classification at a specified location;

- (iii) a person was or was not the holder of a valid licence or other authorisation under this Act for a specified activity or area;
- (iv) a compliance report for a certified forest practices plan was or was not submitted in the approved form within a specified period;
- (v) a specified licence or rights conveyed by a licence were or were not transferred with prior written approval;
- (vi) specified employment or sub-contracting for logging or related operations was or was not approved by the Conservator;
- (vii) a specified stamp, mark, sign, licence, plan or other document was lawfully issued under this Act;
- (viii) a particular forest product was or was not from land with a certified forest practices plan in effect and managed according to that plan;
- (ix) a specified area was the prescribed area in a licence or plan;
- (x) a notice served under section 36(1) was issued, served on a specified person, and was not complied with in the manner and within the period specified;
- (xi) a notice modified or confirmed by the Tribunal was or was not complied with;
- (xii) a person refused to produce or make available for inspection a licence or other document required under this Act;
- (xiii) a person was or was not authorised to wear specific identification, uniform, badge or mark issued by the Department; or
- (xiv) a person was or was not licensed under section 50(3) to light a fire;
- (b) that a particular substance is timber of a protected species, or a non-timber forest product, or peat, rock, sand, shells, or soil as defined in this Act;
- (c) the results of any log measurement or scaling conducted by a Forestry Officer; or
- (d) the authenticity and contents of any photograph, video recording, or other visual or audio-visual recording taken by a Forestry Officer in the course of their duties under this Act, and that such recording depicts a specified event, location, or item relevant to the commission of an offence under this Act.

(2) Nothing in this section may be construed as preventing the Conservator or any other person from giving oral evidence or testimony in any proceedings concerning any matter referred to in subsection (1).

Offences of absolute liability and fixed penalty offences

70.—(1) The following offences under this Act are offences of absolute liability—

- (a) damaging, altering, shifting, removing or interfering with any beacon, boundary mark, fence, notice, or notice board erected by the Department for the purpose of forest classification under section 18;
- (b) contravention of section 22(1), specifically in relation to—
 - (i) conducting forest practices;
 - (ii) introducing non-native species;
 - (iii) taking timber or non-timber forest products;
 - (iv) taking peat, rock, sand, shells, and soil, excluding minerals;
 - (v) cutting, burning, uprooting, damaging or destroying vegetation;
 - (vi) erecting buildings or livestock enclosures;
 - (vii) grazing domestic animals;
 - (viii) planting crops or trees;
 - (ix) constructing or obstructing roads, paths, waterways or other infrastructure;
or
 - (x) hunting, fishing or setting traps, snares, nets or possessing guns, poison or explosive substances; or
- (c) operating or conducting forest practices in specified areas without and not in accordance with a forest practices plan certified under section 23;
- (d) acquiring timber from land that does not have a certified forest practices plan in effect and is not being managed according to that plan;
- (e) failing to submit a compliance report for a certified forest practices plan in the approved form within 30 days following the completion of the activities or the expiration of the plan;
- (f) operating or conducting activities for the purposes of maintaining a forest plantation except with a forest management licence issued under section 28;
- (g) importing or exporting forest products except with an import or export licence issued under section 29;
- (h) operating a wood processing mill or conducting activities for its operation without a wood processing licence issued under section 30;
- (i) transferring a licence or rights conveyed by a licence issued under the Act, without the required written approval as required by section 32(1);

- (j) the employment or sub-contracting by any licensee of other parties for logging or related operations without the Conservator's written approval as per section 32(2);
- (k) conducting forest practices beyond the area prescribed in that licence or plan under section 34(4);
- (l) failing to comply with the directions contained in a notice served under section 36(1) in the manner and within the period specified in the notice;
- (m) failing to comply with the directions contained in a notice served under section 36(1) in the manner and within the period specified in the notice;
- (n) failing to comply with a notice as modified or confirmed by the Tribunal under section 38(1);
- (o) refusing to produce or make available for inspection by any Forestry Officer a licence or other document required under this Act;
- (p) without proper authorisation, wearing any identification, uniform or part of a uniform or any badge or other mark issued by the Department;
- (q) lighting a fire in contravention of section 52(1);
- (r) unreasonably refusing to assist in extinguishing a fire in accordance with section 52(3); or
- (s) lighting a fire or attempting to light a fire without a licence under section 50.

(2) The following offences are designated as fixed penalty offences for the purposes of a fixed penalty notice issued under section 64—

- (a) damaging, altering, shifting, removing, or interfering with any beacon, boundary mark, fence, notice, or notice board erected by the Department for the purpose of forest classification under section 18;
- (b) contravention of section 22(1) in relation to—
 - (i) taking timber or non-timber forest products where the quantity taken is less than a threshold determined by the Conservator; or
 - (ii) minor obstruction of roads, paths, or waterways; or
- (c) failing to submit a compliance report for a certified forest practices plan in the approved form within 30 days following the completion of activities or the expiration of the plan in accordance with section 25(1);
- (d) transferring a licence or rights conveyed by a licence issued under the Act, without the required prior written approval under section 32(1);

- (e) the employment or sub-contracting by any licensee of other parties for logging or related operations without the Conservator's prior written approval under section 32(2);
- (f) failing to comply with the directions contained in a notice served under section 36(1) in the manner and within the period specified in the notice, where the non-compliance is of a minor nature as prescribed by regulations;
- (g) refusing to produce or make available for inspection by any Forestry Officer a licence or other document required under this Act;
- (h) without proper authorisation, wearing any identification, uniform or part of a uniform or any badge or other mark issued by the Department; or
- (i) unreasonably refusing to assist in extinguishing a fire in accordance with section 52(3).

Forfeiture of property used in commission of forest offence

71. Where any person is convicted of an offence against this Act, the court may, in addition to any other penalty, order that all forest products and other things in respect of which such offence has been committed, and all tools, machinery, equipment, boats, trucks, helicopters, conveyances and livestock used in the commission of such offence be forfeited to the State.

Onus of proof for livestock

72. Any livestock found on any land is deemed to be there under the authority of the owner, unless the owner proves the contrary.

PART 11 — ALTERNATIVE TO PROSECUTION

Conservator's actions

73. If the Conservator is satisfied that an offence under this Act has been committed, the Conservator may, on payment of a prescribed fine by the offender—

- (a) cause any proceedings in respect of the alleged offence to be waived or discontinued; and
- (b) if the alleged offence involves the unlawful harvesting of timber or the unlawful clearance of forest, allow the alleged offender or another person specified by the Conservator to retain the whole or any part of that timber.

Forest Practices Tribunal

74.—(1) This section establishes the Forest Practices Tribunal.

(2) The Tribunal is appointed by the Minister and consists of—

- (a) such number of Fijian lawyers as the Minister considers necessary who have practised as legal practitioners for not less than 5 years;
- (b) such number of persons as the Minister considers necessary who possess a sound and practical knowledge of land management and forestry;

- (c) such number of persons as the Minister considers necessary who possess tertiary qualifications in the sciences appropriate forest management and conservation and have had substantial practical experience in those sciences.

(3) The Minister may appoint from among the persons referred to in subsection (2) (a) a chief chairperson and a deputy chairperson of the Tribunal.

(4) The deputy chief chairperson acts as chief chairperson during any period when the chief chairperson is absent or unable, whether on account of illness or otherwise, to perform the duties of his or her office, or when the office of chief chairperson is vacant.

(5) The deputy chief chairperson, while acting as chief chairperson, has all the powers and functions of the chief chairperson.

(6) The jurisdiction, powers, and duties conferred or imposed on the Tribunal by this Act must be exercised or performed by divisions of the Tribunal.

(7) A division consists of 3 persons nominated by the chief chairperson from the panel of persons referred to in subsection (2), of whom—

- (a) one is a person referred to in subsection (2)(a);
- (b) one is a person referred to in subsection (2)(b); and
- (c) one is a person referred to in subsection (2)(c).

(8) The chief chairperson may nominate himself or herself or the deputy chief chairperson as the member of a division required to be nominated from the persons referred to in subsection (2)(a).

(9) Where—

- (a) the chief chairperson nominates himself or herself as a member of a division, he or she is to act as chairperson of the division; or
- (b) the chief chairperson does not nominate himself or herself as a member of a division, the member of the division nominated from the persons referred to in subsection (2)(a) may act as chairperson of the division.

(10) The chief chairperson and deputy chief chairperson are entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

(11) The members of a division are entitled to be paid such remuneration, including travelling and subsistence allowances, as the Minister may from time to time determine.

Registry of the Tribunal

75.—(1) There is to be established and maintained by the Ministry a Registry of the Tribunal at which all the records of the Tribunal are to be kept.

(2) For the purposes of the Registry —

- (a) a person employed within the Ministry is to be appointed as the Registrar of the Registry; and
- (b) such other administrative support is to be made available as may be necessary for the establishment and maintenance of the Registry of the Forest Practices Tribunal.

Procedure on receipt of an appeal

76.—(1) On receipt of an appeal under this Act, the registrar must notify the chief chairperson who must nominate members of the panel referred to in section 74(2) to constitute a division for the purposes of hearing the appeal and must advise the registrar of the members so nominated.

(2) The registrar must advise the parties to the appeal of the members of the panel referred to in section 74(2) who are nominated by the chief chairperson to constitute a division for the purposes of hearing the appeal.

(3) The Department is to be deemed to be a party to all proceedings before the Tribunal.

Procedures of the Tribunal

77.—(1) The Tribunal may be constituted at any time and at any place.

(2) The registrar must notify all parties to the appeal of the time and place at which the appeal is to be heard.

(3) For the purposes of hearing and determining an appeal before it, the Tribunal may take evidence on oath or affirmation and, for those purposes, the chief chairperson of the Tribunal may administer an oath or affirmation.

(4) The Tribunal may join any person as a party to proceedings before the Tribunal.

(5) A party to proceedings before the Tribunal is, at those proceedings, entitled to tender evidence to the Tribunal and to examine any other person who tenders evidence in those proceedings.

(6) A party to proceedings before the Tribunal is generally not entitled to be represented by a legal practitioner, unless the Tribunal, having considered the complexity of the matter and the potential impact on the party, grants leave for legal representation.

(7) In the hearing of an appeal before the Tribunal —

- (a) the procedure of the Tribunal is, subject to this Part, within the discretion of the Tribunal;
- (b) the Tribunal must observe the rules of natural justice;
- (c) the proceedings must be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matter before the Tribunal permits;

(d) the Tribunal may admit any relevant evidence notwithstanding that the evidence would not be admissible in a court of law;

(e) the Tribunal may inform itself on any matter as it thinks fit.

(8) The Tribunal may adjourn its proceedings from time to time or from place to place and may determine an appeal notwithstanding that the appellant has failed to appear before the Tribunal at the time and place fixed for the hearing.

(9) A decision of a majority of the members of the Tribunal is be a decision of the Tribunal.

PART 12—MISCELLANEOUS

Regulations

78.—(1) The Minister may make regulations to give effect to the provisions of this Act and such regulations may—

- (a) provide for the appointment of licensing officers;
- (b) regulate the issuance of licences and plans, the terms and conditions of licences and plans, and may restrict or prohibit their issuance for specific classes or species of forest products, in specified or designated areas, or, on land within forest reserves concerning peat, rock, sand, shells and soil, excluding minerals as defined in the Mining Act 1965;
- (c) control any activity involving forest land, forest resources and forest products;
- (d) prescribe requirements for forest practices including codes of forest practices;
- (e) prescribe circumstances under which a certified forest practices plan is not required;
- (f) provide for the establishment of procedures and standards for forest resource assessment and forest management inventories, including data collection, monitoring, reporting and verification mechanisms;
- (g) prescribe—
 - (i) royalties due on products cut or collected under licence on State land or on iTaukei land in forest reserves;
 - (ii) the fees and any other charges due to the State on products cut or collected under a licence on any land; and
 - (iii) fees payable for making application for the certification of a forest practices plan;
- (h) provide for the remission or exemption from payment, in whole or in part, of any fees, royalties or other charges due to the State;

- (i) prohibit any dealings in specified kinds of forest products;
- (j) prescribe the route by which forest products may be exported from or moved within Fiji;
- (k) provide for the issue of passes for the removal of forest products and other products whose taking is prohibited under this Act except if authorised by a licence issued under this Act, for the establishment of checking stations and for the stoppage, reporting, examination and marking of such produce;
- (l) regulate the use of marks for timber and of marking hammers;
- (m) prescribe forms to be used under regulations made under this Act;
- (n) control the entry of persons into any forest reserve or nature reserve;
- (o) regulate the floating of timber or other forest products and the storing of timber or forest products on riverbanks;
- (p) require holders of licences and plans to maintain and render returns and accounts;
- (q) regulate the seasoning, treatment, grading and storage of forest products;
- (r) regulate the establishment, management and harvesting of forest plantations, including but not limited to mahogany and pine plantations;
- (s) regulate the harvesting and trade of sandalwood;
- (t) provide for the registration and licensing of wood processing mills; set technical, environmental and operational standards for wood processing, including sawmilling, manufacturing, and value-added production;
- (u) provide for the establishment and administration of financial instruments and mechanisms to the implementation of this Act and its objectives;
- (v) regulate the creation, registration and enforcement of conservation leases on forest land, including permissible activities and obligations of lessees; and
- (w) provide for any other matters related to ensuring the effective enforcement of this Act.

(2) The Minister may, by notice in the Gazette specify the scientific equivalents of any English, iTaukei or other vernacular names used to denote any tree or forest product.

General provisions on prior consent

79. A licence under this Act must only be issued and a plan must only be certified with the prior consent of the—

- (a) iTaukei Land Trust Board, for a licence relating to iTaukei land which is part of a forest reserve, if no provisions for royalties are made or royalties are envisaged at a rate lower than the prescribed rate;

- (b) Director of Lands, for a licence relating to State land other than State land in a forest reserve;
- (c) iTaukei Land Trust Board, for a licence relating to iTaukei land other than iTaukei land in a forest reserve;
- (d) iTaukei Land Trust Board and the lessee of such land, for a licence to conduct forest practices on alienated iTaukei land;
- (e) Director of Lands and the lessee of such land, for a licence to conduct forest practice on alienated State land; or
- (f) owner, for a licence relating to alienated land not being State land nor iTaukei land.

Transitional arrangements

80.—(1) Any other entitlements, issuance of licences, and rights acquired under the Forest Act 1992 remains valid under this Act until their expiry, suspension or revocation in accordance with section 33.

(2) All subsidiary laws lawfully made under the provisions of the Forest Act 1992 prior to the commencement of this Act shall continue to have effect but may be amended or revoked by regulations made under this Act.

(3) Any nature reserve or forest reserve declared under the Forest Act 1992 must remain as such under this Act.

Repeal

81. The Forest Act 1992 is repealed.

Consequential amendments

82. The laws listed in the Schedule are amended as set out in that schedule.

SCHEDULE
(Section 82)

CONSEQUENTIAL AMENDMENTS

Agricultural Landlord and Tenant Act 1966

1. The Agricultural Landlord and Tenant Act 1966 is amended in section 59(1)(b), by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Bank of South Pacific Act 2011

2. The Bank of South Pacific Act 2011 is amended in section 4(3), by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Climate Change Act 2021

3. The Climate Change Act 2021 is amended by—

- (a) in section 2, in the definition of “Conservator of Forests” deleting “section 3 of the Forest Act 1992” and substituting “section 7 of the Forestry Act 2025”; and
- (b) in Schedule 1, deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Dairy Restructure Act 2010

4. The Dairy Restructure Act 2010 is amended in section 13, by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Environment Management Act 2005

5. The Environment Management Act 2005 is amended in Schedule 1, by deleting “Forest Act 1992” and substituting “Forest Act 2025”.

iTaukei Land Trust Act 1940

6. The iTaukei Land Trust Act 1940 is amended by—

- (a) in section 7, deleting “Forest Act 1992” and substituting “Forestry Act 2025”;
- (b) in section 16(1), deleting “Forest Act 1992” and substituting “Forestry Act 2025”;
- (c) in section 19C(3), deleting “Forest Act 1992” and substituting “Forestry Act 2025”; and
- (d) in section 33(h), deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Litter Act 2008

7. The Litter Act 2008 is amended in section 4(d) by deleting “every forest officer or forest guard appointed for the purposes of the Forest Act 1992” and substituting “every Forestry Officer appointed for the purposes of the Forestry Act 2025”.

Mahogany Industry Development Act 2010

8. The Mahogany Industry Development Act 2010 is amended in Schedule 4, in paragraph 4(1), by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Mining Act 1965

9. The Mining Act 1965 is amended in section 11(1)(h), by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Momi Bay Development Act 2010

10. The Momi Bay Development Act 2010 is amended in section 7(5) by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Natadola Bay Development Act 2010

11. The Natadola Bay Development Act 2010 is amended in section 8(4) by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Petroleum (Exploration and Exploitation) Act 1978

12. The Petroleum (Exploration and Exploitation) Act 1978 is amended in section 81(h) by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

Rotuma Lands Act 1959

13. The Rotuma Lands Act 1959 is amended in section 12 by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

State Lands Act 1945

14. The State Lands Act 1945 is amended in section 3 by deleting “Forest Act 1992” and substituting “Forestry Act 2025”.

iTaukei Land (Forest) Regulations 1943

15. The iTaukei Land (Forest) Regulations 1943 is amended by—

- (a) in regulation 2, deleting the definition of “forest officer” and substituting the following definition—
 ““Forestry Officer” means a Forestry Officer appointed under the Forestry Act 2025;”;
- (b) in regulation 8, deleting “forest officer” wherever it appears and substituting “Forestry Officer”;
- (c) in regulation 12, deleting “forest officer” and substituting “Forestry Officer”;
- (d) in regulation 13, deleting “forest officer” and substituting “Forestry Officer”;
- (e) in regulation 17(3), deleting “forest officer” and substituting “Forestry Officer”;
- (f) in regulation 20, deleting “Forest Act 1992” and substituting “Forestry Act 2025”; and
- (g) in Schedule 3, deleting “forest officer” wherever it appears and substituting “Forestry Officer”.

Office of the Attorney-General
Suvavou House
Suva

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FORESTRY BILL 2025

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Forestry Bill 2025 (**‘Bill’**) is a result of the review of the Forest Act 1992 (**‘Act’**) which was endorsed by Government and was conducted with the technical assistance provided by the Asian Development Bank and its team of experts, as well as the continuous effort of the Ministry of Forestry.
- 1.2 This Bill provides for the management, development and sustainable use of Fiji’s forest resources. This Bill will also enable the full implementation of the Fiji Forest Policy of 2007 (**‘Policy’**), as well as the National Development Plan, 2025-2029 and Vision 2050.
- 1.3 This Bill embraces the sustainable management of forests and utilisation of forest resources whilst ensuring the conservation of natural and cultural values for the present and future generations.
- 1.4 However, the Act does not sufficiently cover or provide for measures which are based on sustainable forest management. The Act does not refer to all aspects of sustainable forest management, and parts of it are inconsistent with recent developments in policy and administration of the forest sector.
- 1.5 Therefore, this Bill endeavours to further harmonise the current policy with the legal regime of forestry and also other more recent relevant land use policies and environmental legislation such as the Environment Management Act 2005.
- 1.6 This Bill is a more encompassing legislation for the forestry sector and endeavours to resolve the deficiencies within the Act relating to forest management, licensing and harvesting.

2.0 CLAUSES

2.1 The Bill consists of 12 Parts which are as follows—

- (i) Part 1 of the Bill includes the short title, interpretation, application, objectives, principles and the general obligations of the new legislation.
- (ii) Part 2 of the Bill contains provisions pertaining to governance, the roles of the Conservator of Forests (**‘Conservator’**), the functions of the Department of Forestry (**‘Department’**), the establishment of the Forestry Advisory Council and provision for the right of stakeholders to form associations.
- (iii) Part 3 of the Bill aligns all programmes and activities of the forest sector to developments reflected in a policy. This Part also mandates the Department to classify forests based on their forest functions and to undertake forest inventories and assessment and provisions relating to the declaration and management of reserves.
- (iv) Part 4 of the Bill provides for licensing and certification of forest practices plan such as import and export licences, forest management licences, wood processing mills licences and the provisions for the enforcement. In order to maintain and update production statistics from all forest areas, this Part allows the Department to measure all logs extracted from native and plantation forests for commercial purposes at the processing plant, by people trained and licensed by the Department.
- (v) Part 5 of the Bill provides for the issue of notices, where required, to ensure compliance with certified forest practices plans and other provisions of the Act.
- (vi) Part 6 of the Bill provides for the making of code of forest practices for the planning and conduct of forest practices so as to provide reasonable protection to the environment, including the conservation of biodiversity and streams, landscape management and the control of soil erosion. This Part also provides for the assessment and reporting on the effectiveness of the codes in providing such protection during the conduct of forest practices.
- (vii) Part 7 of the Bill provides for the payment of fees and royalties stemming from forest felling and timber extraction. This Part also provides for the customary rights of resources owners and members of the community to use forest resources for daily sustenance.
- (viii) Part 8 of the Bill provides for the endorsement of forest management policies and certification and for the appointment of a committee by the Conservator to review the list of forest species under the Endangered and

Protected Species Act 2002. This Part also provides for the protections of forests from pests and fires, including provisions relating to the appointment of fire rangers.

- (ix) Part 9 of the Bill deals with financial instruments and mechanisms and aligns processes for emissions reduction projects, programmes or activities that involve forests with the scheme established under the Climate Change Act 2021 and related regulations.
- (x) Part 10 of the Bill contains provisions relating to the administration and enforcement of the new legislation. Part 10 of the Bill allows for the appointment of a Forest Officer within the Department to act as law enforcement officers and also provides for the appointment of Forest Practices Officers within both the public and private sectors to ensure that all forestry activities are planned and monitored by responsible and accountable officers. This Part also contains provisions for actions by law enforcement officers, including powers of inspection, arrest and seizure of property.
- (xi) Part 11 of the Bill provides a range of other enforcement measures as alternatives to prosecution, including corrective action notices, fixed penalty notices and prescribed fines. This Part also provides for the establishment of a Tribunal to hear and make determinations with respect to appeals against decisions made with respect to licences, plans and corrective action notices.
- (xii) Part 12 of the Bill provides for the miscellaneous provisions and for transitional provision which allow for the smooth transition from the Act to the new legislation.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for forestry.

S. D. TURAGA
Acting Attorney-General