

Native Lands (Amendment) Decree 2000

FIJI ISLANDS

NATIVE LANDS ACT (AMENDMENT) DECREE 2000

INTERIM CIVILIAN GOVERNMENT DECREE NO. 15 OF 2000

IN exercise of the powers conferred on the Military appointed Civilian Government under section 9 of the Interim Civilian Government (Establishment Decree) No. 10 of 2000, I, Josaia Voreqe Bainimarama MSD, JSSC, PSC, Commander and Head of Government of Fiji and acting on the advice of the Cabinet, hereby make this Decree-

Short title, etc.

1.- (1) This Decree may be cited as the Native Lands Act (Amendment) Decree 2000 and comes into force on the date of commencement of the Native Land Trust Act (Amendment) Decree 2000.

(2) The Native Lands Act (Cap. 133) is in this Decree referred to as the "principal Act".

Interpretation

2. Section 2 of the principal Act is amended-

(a) by inserting before the definition of "Commission" the following new definition-

""Board" means the Native Land Trust Board established by section 3 of the Native Land Trust Act;";

(b) by repealing the definition of "native lands" and replacing it by-

""native lands" means lands which are neither State (formerly Crown) land nor the subject of a State (formerly Crown) grant and includes-

(a) all vacant land declared as such under this Decree;

(b) all land granted to a mataqali or other division or sub-division of Fijians under section 18 of the Native Land Trust Act; and

(c) all land owned by extinct mataqali and allotted or dealt with by the Board in accordance with section 14 of that Act;".

Vacant lands

3. Section 19 of the principal Act is amended-

(a) in subsection (1) by deleting everything after the first sentence;

(b) by inserting after subsection (1) the following new subsections-

“(1A) Lands marked out and defined under subsection (1) must be-

(a) declared by the Minister by notice in the Gazette to be vacant lands under the control of the Board; and

(b) dealt with in all respects as native lands.

(1B) Income arising from vacant lands vested in the Board under this section, less 15% must be paid to the Central Fijian Treasury and used exclusively for the benefit of Fijians in a manner and for purposes approved by the Minister on the advice of the Great Council of Chiefs.";

(c) in subsection (2)-

(a) by deleting "(1)" and substituting "(1A)"; and

(b) by deleting "Crown" and substituting "native";

(d) by deleting subsection (3) and substituting-

"(3) This section applies to all lands which were, before the commencement of the Native Lands Act (Amendment) Decree 2000, or which are, after the commencement of that Decree, found by the Commission to be lands vacant at the date of cession.";

(e) by adding at the end the following new subsection:-

"(5) The transitional provisions contained in sections 5, 6, 7 and 8 of the Native Land Trust Act (Amendment) Decree 2000 apply to vacant lands which are deemed to be native lands by virtue of this section as amended by the Native Lands Act (Amendment) Decree 2000 as they apply to land of extinct mataqali under that Decree.".

Made at Suva this 12th day of July 2000.

COMMODORE J V BAINIMARAMA
Commander and Head of Government
