



Terms of Reference for the Review of Fiji's *State Lands Act 1945*

I, Siromi Turaga, Acting Attorney-General of Fiji refer to the Fiji Law Reform Commission ("FLRC") the *State Lands Act 1945* for review in accordance with section 5(2)(a) of the *Fiji Law Reform Commission Act 1979*.

The FLRC and the Ministry of Lands & Mineral Resources ("MLMR") will jointly undertake a comprehensive review of the *State Lands Act 1945* to make informed recommendations that will assist in its effective and efficient implementation for the nation's current needs.

1. Background

The *State Lands Act 1945* ("Act") provides the legislative framework for the management, control, and administration of lands vested in the State. Over time, developments in land management, environmental policy, socio-economic dynamics, and legal standards have necessitated a comprehensive review of the Act to ensure it is modern, equitable, sustainable, and aligned with current best practices.

In light of these needs, the Government has decided to initiate a structured review of the Act.

2. Purpose of the Review

The purpose of this review is to assess the adequacy, effectiveness, and relevance of the existing Act, and to recommend reforms that will:

- (i) modernize the legislative framework for State land management;
- (ii) improve transparency, accountability, and efficiency in the allocation and administration of State lands;
- (iii) ensure equitable access to State lands and protection of public interest;
- (iv) promote sustainable use of land and environmental stewardship; and
- (v) address any inconsistencies, outdated provisions, or legal gaps.

3. Objectives

The key objective of the Review is to undertake a comprehensive analysis of the Act with a view to making informed recommendations by:

- (i) identifying legal, policy, and institutional gaps and challenges in implementation;
- (ii) bench-marking the legislation against regional and international best practices and comparable jurisdictions;
- (iii) engaging relevant stakeholders and gathering, eliciting and collating feedback to inform the review;
- (iv) recommending amendments, repeals, or new provisions to strengthen the legislation;
- (v) proposing an implementation road-map for the reformed legal framework.

4. Scope of Work

The scope of the review shall include, but not be limited to:

- Conducting a legal analysis of all provisions of the current Act;
- Reviewing of institutional roles, responsibilities, and coordination mechanisms;
- Examining and reviewing current land assessments and procedures for allocation, lease, acquisition, and disposal of State lands;
- Assessing compliance, enforcement, and dispute resolution mechanisms;
- Evaluating the relationship between the State Lands Act and related legislation (*Land Transfer Act 1971, Property Law Act 1971, State Acquisition of Lands Act 1940, Rivers & Streams Act 1880, Agricultural Landlord and Tenant Act 1966, Land Sales Act 1974, Itaukei Lands Act 1905, Town Planning Act 1946, Local Government Act 1972, Environment Management Act 2005, Climate Change Act 2021*, and any other affected or relevant legislation);
- Conducting consultations with affected stakeholders such as relevant government agencies, traditional authorities, landowners, civil society, private sector, and the general public;
- Identifying overlaps, conflicts, or gaps with other legislation or policy frameworks;
- Making recommendations for reform, including drafting of proposed amendments or new legislation; and
- Addressing any other related matters that arise during the course of this review process.

5. Methodology

The review will be undertaken by the technical team and this will include:

- A desktop review of the existing legal framework and related documentation;
- Comparative analysis with other national, regional and international legal frameworks;
- Stakeholder mapping and engagement (e.g. surveys, interviews, workshops, public consultations);
- Preparation of a consultation tool, briefs, and draft proposals;
- Regular reporting to the designated oversight body.

6. Governance and Oversight

The review shall be jointly overseen by the Permanent Secretary for the Ministry of Lands and Mineral Resources (or his/her nominee) and the Director of the Fiji Law Reform Commission.

7. Deliverables

The key deliverables of the review process are:

1. A Final Report with recommendations;
2. Draft Revised State Lands Bill and/or Regulations (or proposed amendments);
3. Draft Cabinet Paper

8. Timeline

A Final Report, draft Bill(s) and/or Regulations and a draft Cabinet paper are to be presented to the Acting Attorney-General and the Minister for Lands & Mineral Resources by 30th January 2026.

Issued the 9 day of October, 2025.



Hon. Siromi Turaga.
ACTING ATTORNEY-GENERAL