



Terms of Reference for the Review of Fiji's *Land Use Act 2010*

I, Siromi Turaga, Acting Attorney-General of Fiji refer to the Fiji Law Reform Commission ("FLRC") the *Land Use Act 2010* for review in accordance with section 5(2)(a) of the *Fiji Law Reform Commission Act 1979*.

The FLRC and the Land Use Unit of the Ministry of Lands & Mineral Resources ("MLMR") will jointly undertake a comprehensive review of the *Land Use Act 2010* with a view to recommending land reform practice(s) that would better promote the equitable and sustainable development of all idle and underutilised State and designated native land as per the National Development Plan 2025-2029 goals.

1.0 Background

- 1.1 By Cabinet Decision CP(25)191, Cabinet reaffirmed the conduct of a review of the suitability of the *Land Use Act 2010* to provide for land utilization as envisaged in the National Development Plan and Vision 2025 and sustainable socio-economic development through increase investment in and productivity of the land.

2.0 Objectives and Deliverables

- 2.1 The objective of the review is to identify and address the issues and challenges faced during the implementation of the *Land Use Act 2010* and make recommendations for amendments that better align land reform practices with effective land utilisation.
- 2.2 The review aims to inquire into, but not be limited to, the following:
 - a) conducting a comprehensive analysis of Fiji's Land Use Act 2010 ("Act"), identifying its strengths, weaknesses, inconsistencies, and gaps in relation to other laws within Fiji;
 - b) considering whether the Act should be amended or significantly expanded to accommodate land reform programmes;
 - c) conducting a comparative analysis of similar legislation and land systems in other countries that have successfully implemented land reform initiatives;
 - d) carrying out consultations with affected stakeholders including landowners, relevant government ministries such as the Ministry of iTaukei Affairs, iTaukei Land Trust Board, and any other relevant stakeholder(s) that may be affected by this Act;
 - e) analyzing the effectiveness of the Act in enhancing efficiency and transparency, particularly regarding fairness in land administration, dispute resolution, and grievance mechanisms;
 - f) assessing the consistency of proposed amendments to the Act and related recommendations with Fiji's existing legal framework;

g) considering the sustainable management of land resources and the impacts of utilizing designated iTaukei land, including cultural, social, and economic implications;

h) exploring a way forward for a legal framework that determines and manages the optimal utilization of land, regulates development activities, and protects natural resources and biodiversity;

i) recommending amendments or revisions to the Act and its subsidiary laws that address current challenges while promoting sustainability, climate change adaptation, and mitigation;

j) considering any necessary institutional and administrative reforms to support the effective implementation of this review's recommendations; and

k) addressing any additional issues that may arise in relation to the review of this Act, including any consequential amendments that may be necessary.

3.0 Governance and Oversight

3.1 The Commission shall conduct this review in collaboration with the Land Use Unit of the Ministry of Lands & Mineral Resources.

3.2 The conduct of 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.

4.0 Timeline

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

5.0 Review Deliverables

A Final Report with recommendations, a draft Bill(s) and/or Regulations and draft Cabinet paper will be submitted to both the Minister for Lands & Mineral Resources and the Acting Attorney-General for their consideration.