

## PUBLIC NOTICE

### REGISTRATION OF SKILLED PROFESSIONALS ACT 2016

The Registration of Skilled Professionals Act 2016 was passed by the Fijian Parliament, in February this year and came into effect on 21 March 2016.

The Act establishes a Skilled Professionals Evaluation Committee ('Committee'), which is chaired by the Permanent Secretary for Industry, Trade and Tourism. The Committee is responsible for evaluating the applications of skilled professionals seeking employment in Fiji and may issue directives regarding the registration of that individual.

The purpose of the Committee is to evaluate the need for skilled professionals in Fiji and provide a mechanism to expedite the registration of such skilled professionals in Fiji, where a work permit is required.

This new Act creates an avenue to fast-track the registration process for such skilled professionals to work in Fiji. The law is necessary to enable Fijians and Fijian businesses and organisations to have access to more skilled professionals, which will provide services that are scarce or high in demand to all Fijians.

Applications by individuals seeking to work in Fiji can be made to the Committee in the prescribed form. The form and a checklist is available on the Ministry of Industry, Trade and Tourism website: [www.mit.gov.fj](http://www.mit.gov.fj).

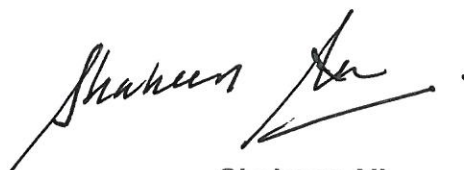
Companies wanting to hire skilled professionals and/or Individuals who are interested in working in Fiji are encouraged to apply to the Chairperson, Skilled Professionals Evaluation Committee:

Postal Address: P. O. Box 2118  
Government Buildings  
Suva  
Fiji

Or hand delivery: Level 3  
Civic Tower  
Victoria Parade  
Suva

Or email to: [mahek.fj@gmail.com](mailto:mahek.fj@gmail.com) / [kartik.pratap@govnet.gov.fj](mailto:kartik.pratap@govnet.gov.fj)

For any further information or clarification please contact Ms Seema Sharma or Mr. Kartik Pratap on phone +679 330 5411 or email: [mahek.fj@gmail.com](mailto:mahek.fj@gmail.com) or [kartik.pratap@govnet.gov.fj](mailto:kartik.pratap@govnet.gov.fj).



**Shaheen Ali**  
Chairperson  
Skilled Professionals Evaluation Committee

**ACT NO. 8 OF 2016**

I assent.

J. K. KONROTE  
President

[15 February 2016]

## **AN ACT**

TO PROVIDE FOR THE ESTABLISHMENT OF A COMMITTEE TO EVALUATE THE NEED FOR PROFESSIONALS IN FIJI AND TO PROVIDE FOR SPECIAL REGISTRATION OF THE PROFESSIONALS AND FOR 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 Registration of Skilled Professionals Act 2016.  
(2) This Act comes into force on the date or dates appointed by the Minister by notice in the Gazette.

#### *Interpretation*

- 2.** In this Act, unless the context otherwise requires—

“applicant” means an individual who makes a written application to the Committee under section 9(1);

“Committee” means the committee established under section 4;

“Prime Minister” means the head of the Government of the Republic of Fiji;

“professional body” means an association or body within a profession, whether or not established by a written law, which is responsible for the registration or licensing of individuals in a profession in Fiji or both, as the case may be; and

“skilled professional” means an individual—

- (a) who is required to have a work permit in order to work in Fiji;
- (b) who is in a profession prescribed by regulations;
- (c) whose experience or qualifications are recognised and accepted by the Committee; and
- (d) who is a fit and proper person.

*Objectives*

**3.** The objectives of this Act are to—

- (a) establish a committee to evaluate the need for skilled professionals in Fiji; and
- (b) provide a mechanism to expedite the registration of skilled professionals in Fiji.

**PART 2—SKILLED PROFESSIONALS EVALUATION COMMITTEE**

*Establishment of the Skilled Professionals Evaluation Committee*

**4.—(1)** This section establishes the Skilled Professionals Evaluation Committee.

**(2)** The Committee is to be constituted by the—

- (a) permanent secretary responsible for industry and trade, who is to be the chairperson;
- (b) permanent secretary responsible for civil service;
- (c) permanent secretary responsible for employment;
- (d) permanent secretary responsible for finance; and
- (e) Solicitor-General.

*Powers of the Committee*

**5.** The Committee has all the powers necessary to enable it to perform its functions, including the following—

- (a) issue directives to enable skilled professionals to enter, reside and work in Fiji;
- (b) promote Fiji as a destination for skilled professionals;
- (c) invite any person to provide advice to the Committee; and
- (d) do all things necessary to perform the functions conferred upon it by this Act or as prescribed by regulations.

*Functions of the Committee*

**6.** The functions of the Committee are to—

- (a) identify the need for skilled professionals in specialised fields in Fiji;
- (b) evaluate the applications of skilled professionals seeking employment in Fiji; and
- (c) issue directives regarding the employment of skilled professionals in Fiji.

*Meetings and proceedings of the Committee*

**7.—(1)** At all meetings of the Committee, 3 members form a quorum.

(2) The chairperson must preside at all meetings of the Committee, and in the absence of the chairperson, the members present must elect one of the members to preside.

(3) All meetings of the Committee must be held at such times and places as the chairperson may determine.

(4) All questions arising at any meeting must be decided by a majority of votes of the members present at the meeting.

(5) At a meeting of the Committee, the chairperson and all of the members present have the right to vote, and in the case of equality of votes, the chairperson, or in the absence of the chairperson the member presiding, has a casting vote.

(6) The validity of any proceedings of the Committee must not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Committee may regulate its own proceedings.

*Disclosure of interests*

**8.—(1)** If any member of the Committee is present at a meeting and has a direct or indirect personal, pecuniary or other interest in the matter being discussed or considered, the member must immediately disclose that interest and must not, unless the Committee determines otherwise, take part in the discussion or consideration of the matter.

(2) The disclosure must be recorded in the minutes of the meeting and unless the Committee so determines, the member must not—

- (a) be present during any deliberation of the Committee in relation to the matter; or
- (b) vote on any matter before the Committee in relation to the matter.

**PART 3—SPECIAL REGISTRATION**

*Application for special registration*

**9.—(1)** Notwithstanding any other written law, any individual may apply in writing to the Committee for—

- (a) a permit to enter, reside and work, reside and work or work in Fiji; and

(b) registration or licensing or both, as the case may be, with the relevant professional body, if applicable.

(2) The application under subsection (1) must be accompanied by the prescribed fee, if any.

(3) The Committee must, upon receipt of an application under subsection (1) and the prescribed fee referred to in subsection (2), within 28 days—

(a) assess the application, including any supporting documentation, and determine whether the individual is a skilled professional;

(b) determine whether it is in the public interest for the applicant to be employed in Fiji as a skilled professional; and

(c) approve or reject the application.

(4) The Committee may require an applicant to provide such additional information or documentation related to the applicant's application as the Committee considers necessary.

*Effect of special registration*

**10.—**(1) If the Committee approves an application under section 9(3), the Committee must issue a written directive to—

(a) the Director of Immigration to issue to the applicant, within 2 days, a permit to enter, reside and work, reside and work or work in Fiji; and

(b) the relevant professional body, if any, to issue, upon payment of the relevant fee by the applicant, a certificate of registration or licence or both, as the case may be,

subject to terms and conditions as the Committee considers necessary.

(2) The Director of Immigration and the relevant professional body, if any, must comply with the written directive issued under subsection (1) and section 15(2).

(3) Notwithstanding any limitation of liability in any written law or the constituting document of the relevant professional body, if the Director of Immigration or the relevant professional body, if any, contravenes subsection (2), the Director of Immigration and the members of the governing body of the relevant professional body, if any, are severally liable upon conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years, or to both.

(4) If an applicant is issued with a permit under subsection (1)(a) and he or she is duly registered under subsection (1)(b), he or she is subject to, and must comply with, such disciplinary rules, guidelines and procedures as may be prescribed by written law for the profession or as may be issued by the relevant professional body, if any.

(5) If the Committee rejects an application under section 9(3), the Committee must inform the applicant of the decision, including the reasons for the decision, in writing.

PART 4—APPEAL

*Right of appeal*

**11.** An applicant whose application has been rejected by the Committee under section 9(3) may appeal, subject to the provisions of this Act, to the Prime Minister against the decision of the Committee.

*Lodgement of appeal*

**12.—**(1) Any appeal made under this Act must be made within 20 working days of notification of the decision to the applicant except where the Prime Minister may, for good cause, extend the period of 20 working days.

(2) An appeal by an applicant under this Act must—

- (a) be in writing;
- (b) clearly and concisely set out the grounds for the appeal;
- (c) be accompanied by the prescribed fee, if any; and
- (d) be sent to the Prime Minister.

*Prime Minister to inquire*

**13.** The Prime Minister must, upon receiving an appeal under section 12, refer a copy of it to the Committee within 5 working days and request a written statement from the Committee for the decision appealed against.

*Committee to respond*

**14.** The Committee must, within 10 working days of receiving a copy of an appeal under section 13, provide to the Prime Minister a written statement setting out the reasons for the decision appealed against.

*Decision of the Prime Minister*

**15.—**(1) The Prime Minister must, within 10 working days of receipt of the Committee's written statement under section 14, either—

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

(2) The Prime Minister must, as soon as practicable after an appeal has been determined, forward the decision in writing to the applicant, and if applicable, issue a written directive to—

- (a) the Director of Immigration to issue to the applicant, within 2 days, a permit to enter, reside and work, reside and work or work in Fiji; and
- (b) the relevant professional body to issue, upon payment of the relevant fee by the applicant, a certificate of registration or licence or both, as the case may be,

subject to terms and conditions as the Prime Minister considers necessary.

(6) The Prime Minister may, when considering an appeal, obtain relevant information from any person.

(7) The decision of the Prime Minister on an appeal made under this Act is final and conclusive, and not subject to any appeal.

#### PART 5—MISCELLANEOUS

##### *Act to prevail*

**16.** This Act has effect notwithstanding any provision of any other written law, and accordingly to the extent that there is any inconsistency between this Act and any other written law, this Act prevails.

##### *Regulations*

**17.** The Prime Minister may make regulations prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Passed by the Parliament of the Republic of Fiji this 11th day of February 2016.

SCHEDULE  
(Regulation 4(2)(a))

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APPLICATION FORM FOR SPECIAL REGISTRATION

**A. PERSONAL**

- 1. Title .....
- 2. Full Name .....
- 3. Date of Birth.....
- 4. Gender: (Please tick) Male  Female
- 5. Marital Status: (Please tick) Single  Married
- 6. Number of Dependants .....

**B. CONTACT**

- 7. Residential Address.....
- 8. Postal Address .....
- 9. Telephone .....
- 10. Fax .....
- 11. Email .....

**C. QUALIFICATIONS/EXPERIENCE**

- 12. Current occupation .....
- 13. Occupation in Fiji.....
- 14. List qualifications  
.....  
.....  
.....
- 15. List membership of professional body(ies)  
.....  
.....  
.....
- 16. List educational institution(s)  
.....  
.....  
.....



17. List years and details of relevant experience

.....  
 .....  
 .....

18. Country(ies) of practice

.....  
 .....  
 .....

**D. IMMIGRATION**

19. Passport Number .....

20. Do you hold dual or multiple citizenship? (Please tick) Yes  No

21. If you have ticked 'Yes' in paragraph 20, list passports held:

Country ..... Passport Number .....

Country ..... Passport Number .....

Country ..... Passport Number .....

22. If residing in Fiji, list reason(s) for residing in Fiji .....

**E. LEGAL ACTIONS**

23.

Have you ever been: (Please tick)	Yes	No
Charged with any offence that is currently awaiting legal action?		
A party to any civil proceedings in any country?		
Convicted of a crime or offence, including a conviction which is now removed from official record?		
Subjected to any order in any civil proceedings in any country?		
Charged with any disciplinary offence in your profession?		
Adjudicated bankrupt in any country?		

24. If you have ticked 'Yes' in paragraph 23, provide all relevant details on a separate sheet.

**F. MEDICAL**

25. Do you have a medical condition which might affect your ability to give full or sufficient attention to your work or which might lead to you being absent from work?

Yes  No

(If so, please provide details of your condition and attach relevant medical report(s))

26. Do you have any addictive, psychiatric or behavioural conditions?

Yes  No

(If so, please provide details of your condition and attach relevant medical report(s))

Date.....

**\*The Committee may require additional information if it deems necessary\***



### Checklist for Application for Registration of Skilled Professionals

Documents to be Submitted to the Skilled Professionals Evaluation Committee	Please tick
<b>Duly completed application form</b>	
<b>Personal Information:</b>	
i) Certified copy of the bio-data page of the passport(s) <sup>1</sup>	
<b>Qualification/ Experience:</b>	
i) Certified copy/copies of all academic qualification(s) attained	
ii) Updated Curriculum Vitae	
iii) Certified copies of reference for work experience	
iv) Evidence of membership of professional body(ies) (if applicable)	
<b>Police Clearance:</b>	
i) Evidence of police clearance from host country <sup>2</sup>	
<b>Medical Clearance:</b>	
i) Evidence of any medical conditions or medical fitness certification by a qualified doctor	
<b>Financial Security:</b>	
i) Latest bank statement(s) of the applicant <sup>3</sup>	
<b>Request Letter from the Employer (if applicable):</b>	
i) Company or business profile	
ii) Position description and role	
iii) Rationale why this particular position requires a skilled professional under the Registration of Skilled Professionals Act 2016 and provide necessary evidence	
<b>Training Program (if applicable):</b>	
i) Training plan of Fijian working in the company	
ii) In case a local understudy is identified, please provide evidence of this	
<b>Foreign Investor (if applicable):</b>	
i) Certified copy of Foreign Investment Registration Certificate (FIRC)	
ii) Certified Investment Fiji Approval	
iii) Certified copy of Business Registration	

**Please note:** The Skilled Professionals Evaluation Committee can request for further document(s) if it deems necessary.

**Declaration:**

I solemnly declare that the information and documents provided to the Skilled Professionals Evaluation Committee are true and complete to the best of my knowledge, and if proved otherwise I acknowledge that I will be liable for penalties as stipulated under the False Information Act 2016.

<sup>1</sup> An applicant holding multiple citizenship should provide copies of biodata page of all the passports

<sup>2</sup> Host country means the country of residence of the application for the presiding 10 years.

<sup>3</sup> Bank statements to determine that the application is not a bankrupt.

**Name:**

**Signature:**

**Date:**

Completed Application forms need to be sent to the following address:

**Chair, Skilled Professionals Evaluation Committee:**

Postal Address: P. O. Box 2118  
Government Buildings  
Suva  
Fiji

Or hand delivery: Level 3  
Civic Tower  
Victoria Parade  
Suva

Or email to: [mahek.fj@gmail.com](mailto:mahek.fj@gmail.com) / [kartik.pratap@govnet.gov.fj](mailto:kartik.pratap@govnet.gov.fj)



**Photograph**

Please attach a recent passport-sized photograph here for each applicant.

**MEDICAL REPORT FORM – REGISTRATION OF SKILLED PROFESSIONAL ACT ('Act') 2016**

**IMPORTANT NOTES**

1. This medical certificate form must be completed in English by a Registered Medical Practitioner for each person applying to stay in the Fiji for more than 6 months.
2. This certificate must be under 3 months old at the time of lodgment.
3. Each applicant must produce evidence of identification, such as passport, to the Medical Examiner.
4. Fees for the medical examination are payable by the applicant or their sponsor.

**A. PERSONAL DETAILS OF THE APPLICANT**

1. Name(s) as shown in the passport:

Surname:

Given Names:

2. Full residential address:

3. Gender: Male  Female

4. Date of Birth:

4. Passport number:

**B. APPLICANT'S MEDICAL RECORDS**

1. Has the applicant ever been hospitalized in the last 10 years or undergone surgery of any kind:

Yes  No

2. Has the applicant ever been refused employment, insurance, military service or entry to another country on medical grounds:

Yes  No

3. Does the applicant have any history of dependency on drugs, alcohol or other controlled substances:

Yes  No

4. Has the applicant or any member of his/her family ever suffered from any mental disorder, fits or epilepsy:

Yes  No

**C. EXAMINATION RESULTS**

1. HEART:

2. LUNGS:

3. KIDNEY:

4. LIVER:

5. EYES

6. X-RAY:

7. BLOOD                      HBG%                      SUGAR                      DEPOSIT

**D: APPLICANT'S DECLARATION:**

1. I declare that the details given by me on this form to the medical examiner are true and correct in every respect.

2. I agree that I will undergo, at my expense, any further medical examinations that may be required by the Skilled Professionals Evaluation Committee

3. I authorize that the medical examiner who completes this form to release to Skilled Professionals Evaluation Committee, or its medical consultants, any information acquired with regard to this examination.

4. I agree that all the information contained in this form is to evaluate my application under the Act.

<b>SIGNATURE OF APPLICANT:</b>	<b>SIGNATURE OF EXAMINER AS WITNESS:</b>
.....	.....
DATE: .....	DATE: .....
<b>PART X: <i>MEDICAL EXAMINER'S DECLARATION:</i></b>	
1. I have confirmed the identity of the applicant from his/her passport, identification papers and appearance.	
2. I am satisfied that the particulars submitted by the applicant are true and correct.	
3. The statements made by me in answer to all questions in this form are true to the best of my knowledge and belief.	
4. I certify that the applicant is medically fit/not medically fit to reside and work in Fiji.	
<b>SIGNATURE OF MEDICAL EXAMINER:</b>	
.....	
DATE: .....	
<b>MEDICAL EXAMINER STAMP/SEAL:</b>	