



Constitutional Matters

Monthly Legal News Bulletin

7 May 2010

Introduction

The purpose of this periodical newsletter is to improve access to justice and enhance the rule of law by keeping people informed of changes under new Decrees, judicial news and other significant legal developments in Fiji.

For further information on any of the issues covered in this newsletter, please contact CCF at ccf@connect.com.fj.

New Decrees

The following new decrees have been promulgated or published since our last issue:-

- *Superyacht Charter Decree 2010 (Decree No. 19 of 2010)*
- *National Ambulance Decree 2010 (Decree No. 20 of 2010)*

The *Superyacht Charter Decree 2010 (Decree No. 19 of 2010)* establishes a Charter Permit System allowing Superyachts to charter in Fiji Waters and this shall be administered by the Fiji Islands Revenue and Customs Authority (FIRCA).

The Decree amends the Customs Tariff Act by inserting a new Code for Superyachts to be administered by the Comptroller.

Definitions of words and expressions referring to Superyachts in the Immigration Act and the Marine Act 1986 shall now have the meanings given to them in this Decree.

The Customs Act 1986 is also amended by way of the Decree by substituting a new definition of the word "transit".

National Ambulance Decree 2010 (Decree No. 20 of 2010) establishes a committee called the National Ambulance Committee, which shall

consist of four members appointed by the Minister of Health.

The Permanent Secretary (PS) and the Chief Executive Officer of the National Fire Authority shall be members of the Committee where the PS shall also be the Chairperson.

The Committee shall be responsible for defining the objectives, strategies, policies and operational standards of the Service and to ensure that the Service performs its functions in an appropriate, effective and efficient way.

Section 15 of the Decree gives powers to the Minister of Health to accept gifts for purposes connected with the Service and the Minister may agree to carry out the conditions that may be attached with them.

What these gifts could be is not defined or clearly stipulated by the Decree and also there are no guidelines or criterion set for what conditions may or may not be accepted let alone what these conditions may be.

Update on Medical and Dental Practitioner Decree 2010

On Wednesday 14 April the Commencement Date for the *Medical and Dental Practitioner Decree 2010* was gazetted. The date appointed as the commencement date is 1 March 2010.

Update on the Draft Media Industry (Development) Decree 2010 Consultations

During the 1 day consultation in Suva (Wednesday 7 April 2010), those who attended were advised that written submissions would not be accepted. However, a day later the Government called on written submissions to be sent to the office of the Interim Attorney General.



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CCF made written submissions addressed to the Interim Attorney General and forwarded the same to the office on 31 April 2010. A copy of the submissions can be found on the CCF website for further reference.

There is still no indication of what amendments, if any will be made to the draft decree, or when it might be passed.

Other News

The Cabinet has approved the Natadola Development Bay Decree and according to the Interim Attorney General it is done so as to plug the erosion of funds through the Natadola development project.

The Decree is said to cancel former developers Asia Pacific Resorts Limited (APRIL) foreign investment certificate and further provides for the forfeiture of the shares held by APRIL in Natadola Land Holdings to FNPF Investments Limited.

The Decree, according to the Interim Attorney General also terminates various court proceedings in relation to the Natadola Bay Development, which have been pending in court for sometime now.

The Decree has not been gazetted as yet.

Further information and analysis of the decree and provisions related to court matters shall be provided once the decree is gazetted and distributed.