



Constitutional Matters

Monthly Legal News Bulletin

5 February 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:-

- Crimes (Amendment) Decree 2010 (No. 11, 9th Feb 2010);
- Criminal Procedure (Amendment) Decree 2010 (No. 12, 9th Feb 2010);
- Value Added Tax (Budget Amendment) Decree 2010 (No. 13 of 2010); and
- Administration of Justice (Amendment) (No. 3) Decree 2010 (No. 14 of 17th Feb 2010).

Both the *Crimes (Amendment) Decree 2010* and the *Criminal Procedure (Amendment) Decree 2010* contained minor amendments to decrees passed last year.

The *Value Added Tax (Budget Amendment) Decree 2010* contains amendments to provisions regarding tourist VAT refunds. A refund of VAT may be obtained on departure from Fiji if goods are purchased by a resident of a country other than Fiji from an approved licensed person of \$500 or more.

The *Administration of Justice (Amendment) (No. 3) Decree 2010* adds to the decisions of

the State, which cannot be challenged in a court of law. The validity, legality or propriety of any action, decision or order of government to the restructure or reform of the public service, to amend terms and conditions of employment or remuneration for public servants cannot be challenged in any court, tribunal or commission (s2).

Any such application will be wholly terminated by a certificate issued by the Chief Registrar, Tribunal, Commission or other person or body exercising judicial function. This certificate cannot be challenged.

This Decree has retrospective effect from the commencement of the Administration of Justice Decree 2009.

Judicial News

The 2 Sri Lankan judges who were appointed to the Fiji judiciary on 28 January 2010 are Mr Pathirannehelage Ratnayake (Magistrate) and Mr Rahitha Hettiaranchi (High Court Judge).

Between 20 February and 5 March, Justice Gates went to Sri Lanka to recruit more judges and magistrates. There are currently 7 Magistrates in Fiji and 3 High Court judges who are from Sri Lanka.