



Constitutional Matters

Monthly Legal News Bulletin

31st December 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@kidanet.net.fj

Public Emergency Regulations

Pursuant to the Public Safety Act, on Friday 18 October 2010, the *Extension of the Public Emergency Regulations 2009* was gazetted.

The *Public Emergency Regulations 2009* has been extended for a further period of 30 days with effect from 1200 hours on 18 December 2010.

New Decrees

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

1. Security Industry Decree 2010
2. The Fiji National University (Amendment) Decree 2010
3. 2011 Appropriation Decree 2010
4. Land Transport (Road Levy) (Amendment) Decree 2010
5. Employment Relations Promulgation 2007
6. Marriage (Amendment) Decree 2010
7. Tobacco Control Decree 2010
8. Dairy Restructure Decree 2010
9. Public Safety Act (Extension of the Public Emergency Regulations 2009

Security Industry Decree 2010

This decree is to provide for the licensing and regulation of persons engaged in the Security Industry in Fiji. The decree will regulate the registration, licensing and operations of security companies and personnel in Fiji.

Part 2 of the Decree deals with the establishment of the Security Industry Licensing and Registration Board, and the part 3 deals with the types of licenses that are going to be issued. Part 4 deals with requirements and restrictions relating to licenses and part 5 deals with other miscellaneous provisions. But this decree does not apply to members of the disciplined forces the Fiji Independent Commission Against Corruption. The Police Professional Standards Unit, the Department of Correctional Services, the Department of Justice, the Fiji Islands Revenue and Customs Authority, Department of Immigration, Land Transport Authority and any other Government agency charged with protecting the security of the state.

The Fiji National University (Amendment) Decree 2010

This decree is to amend the Fiji National University Decree 2009 to enable the merger of the Training and Productivity of Fiji into the Fiji National University. It addresses issues that are pertaining to the merger of the two institutions that includes staffing issues, student issues and administration that will affect the day to day running of the institute and the establishment of the National Training and Productivity Centre of the University.

The CCF is a non-government organisation that educates and advocates for the good governance, human rights and multiculturalism in Fiji. We are not aligned with any political party.

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CCF maintains that to ensure accountability and transparency, the proper method for law reform is through a democratically elected parliament. CCF does not intend to support the legality or validity of any of the Decrees referred to by publishing or distributing this newsletter.



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2011 Appropriation Decree 2010

This decree is to appropriate a sum of one billion, six hundred and seventy million, six hundred and eighty thousand, five hundred and eighty six dollars for the ordinary services of government for the year ending 31st December 2011. This sum of money shall be extracted from the Consolidated Fund or other funds of the state and to be applied for the ordinary services of the Government. This decree also states the total amount of money that the Government can borrow and the total amount of money that is to be redeployed within Government.

Land Transport (Road Levy) (Amendment) Decree 2010

This decree amends Section 24 by inserting “ ”, after the words Consolidated Fund and removes the following from subsection 2 “ except the Road User Levy which shall be paid into the Infrastructure Rehabilitation and Development Fund Account held by the Authority for the Ministry responsible for Transport.

Employment Relations Promulgation 2007

This decree is to appoint the 25th of December as a special public holiday in all workplaces.

Marriage (Amendment) Decree 2010

This decree was to amend Part II of the Marriage Act (Cap. 50) to enable the Attorney – General to appoint and order the registration of suitably qualified persons as Civil Marriage celebrants to solemnize Civil Marriages in Fiji. Section 2 is amended by inserting the definition of “civil marriage celebrants”. The Act is also amended by inserting a new section 5A after 5 which clearly defines who can apply to become a Civil Marriage Celebrant.

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Tobacco Control Decree 2010

This decree clearly sets out guidelines regarding the Tobacco industry, it clearly defines the Prohibitions on Advertising and Promotion of Tobacco Products, labeling of tobacco product containers, restrictions on Nicotine and Tar content, the restrictions on sale and smoking of tobacco products, the registration of wholesalers, retailers of tobacco products and Suki vendors, licensing of manufacturers, importers, distributors of tobacco products and Suki vendors and the appointments of authorized officers to carry out inspections and investigations as necessary or appropriate under the decree.

Dairy Restructure Decree 2010

This decree is to authorize the transfer from Fiji Cooperative Dairy Company Limited to Fiji Dairy Limited all interests for separating milk supply from milk processing. The purpose of this decree is to facilitate the restructure of the dairy industry in Fiji through the change of name from “Rewa Co – operative Dairy Company Limited” to FCDL and to separate the supply of milk from the processing of such products. Also to oversee the transfer of the interests from FCDL to FDL to enable FDL to commence the business of processing milk and dairy products.

Decrees Upcoming

1. Employment Relations Bill Amendment

The Attorney general noted that 10 amendments are being looked at under the ER Bill.

2. Freedom of Information Decree Allow for regulated access to public information by all citizens.



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3. Company Act Decree Creates criminal sanctions for non-compliance.

4. Fiji Forest Decree Regulate Forest management issues that include forest conservation, sustainable forest management, administrative structures and efficient production.

5. Marine Act Decree – is currently undergoing review that will see the imposition of stricter penalties on boat operators who neglect to adhere to Marine Safety requirements.

2. The Micro finance industry will soon be regulated when the soon – to – be implemented decree outlining strict guidelines for micro – finance providers in Fiji.

Judicial Matters

Ms. Jojana Tuiteci who was the Acting Principal Legal Officer in the Office of the Director of Public Prosecutions resigned from the office of the DPP November 12th, 2010.

State terminates two senior DPP lawyers Deputy Director **Ratu David Toganivalu** and Principal Legal Officer **Ana Tuiketeti** as per terms and conditions of their contract.

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